



# Doncaster Council

## Agenda

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To all Members of the

## **PLANNING COMMITTEE**

Notice is given that a Meeting of the above Committee is to be held as follows:

**Venue:** Virtual Meeting Via Microsoft Teams

**Date:** Tuesday, 21st July, 2020

**Time:** 2.00 pm

The meeting will be held remotely via Microsoft Teams. Members and Officers will be advised on the process to follow to attend the Planning Committee. Any members of the public or Press wishing to attend the meeting by teleconference should contact Governance Services on 01302 737462/736712/736723 for further details.

### **BROADCASTING NOTICE**

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**Damian Allen**  
Chief Executive

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Issued on: Monday, 13 July 2020

Governance Services Officer for this meeting

Amber Torrington  
Tel: 01302 737462

Doncaster Metropolitan Borough Council  
[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

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1.	Apologies for Absence	
2.	To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3.	Declarations of Interest, if any.	
4.	Minutes of the Planning Committee Meeting held on 23rd June, 2020	1 - 6
<b>A.</b>	<b>Reports where the Public and Press may not be excluded.</b>	
	<b><u>For Decision</u></b>	
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### **Members of the Planning Committee**

Chair – Councillor Susan Durant

Vice-Chair – Councillor Sue McGuinness

Councillors Duncan Anderson, Iris Beech, Mick Cooper, George Derx, John Healy, Charlie Hogarth, Eva Hughes, Andy Pickering and Jonathan Wood

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 23RD JUNE, 2020

A MEETING of the PLANNING COMMITTEE was held as a VIRTUAL MEETING THROUGH MICROSOFT TEAMS on TUESDAY, 23RD JUNE, 2020, at 2.00 pm.

#### PRESENT:

Chair - Councillor Susan Durant  
Vice-Chair - Councillor Sue McGuinness

Councillors Duncan Anderson, Iris Beech, George Derx, John Healy, Charlie Hogarth, Eva Hughes, Andy Pickering and Jonathan Wood.

#### APOLOGIES:

An apology for absence was received from Councillor Mick Cooper.

#### 84 Declarations of Interest, if any

There were no declarations of interest made at the meeting.

#### 85 Minutes of the Extraordinary Planning Committee Meeting held on 15th May, 2020

RESOLVED that the minutes of the Extraordinary meeting held on 15th May, 2020 be approved as a correct record and signed by the Chair.

#### 86 Minutes of the Planning Committee Meeting held on 26th May, 2020

RESOLVED that the minutes of the meeting held on 26th May, 2020 be approved as a correct record and signed by the Chair.

#### 87 Adjournment of the Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.12 p.m. to be reconvened on this day at 2.22 p.m.

#### 88 Reconvening of the Meeting

The meeting reconvened at 2.22 p.m.

#### 89 Schedule of Applications

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

90 Appeal Decisions

RESOLVED that the following decision of the Secretary of State and/or his inspector, in respect of the undermentioned Planning Appeal against the decision of the Council, be noted:-

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>	<b>Decision Type</b>	<b>Committee Overturn</b>
19/00578/FUL	Change of use from single dwelling to five flats at 43 Auckland Road, Wheatley, Doncaster, DN2 4AF	Appeal Dismissed 26/05/2020	Town	Committee	No

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 23rd June, 2020

<b>Application</b>	1		
<b>Application Number:</b>	19/02969/FUL		
<b>Application Type:</b>	Full Application		
<b>Proposal Description:</b>	Erection of class B1 steel portal frame building		
<b>At:</b>	Land Adjacent to Mexborough Railway Station, Station Road, Mexborough		
<b>For:</b>	Mr Paul Woodger		
<b>Third Party Reps</b>	None	<b>Parish</b>	n/a
		<b>Ward:</b>	Mexborough

A proposal was made to grant the application.

**Proposed by:** Councillor Iris Beech

**Seconded by:** Councillor Eva Hughes

**For:** 10    **Against:** 0    **Abstain:** 0

**Decision:** Planning permission granted subject to the replacement of Condition 2 and the addition of a further Condition as follows:-

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:-

**PROPOSED PARKING AREA - FLOOR LAYOUT 1:100 dated November 2019 (annotated AMENDED PLANS 19.06.2020)**

**PROPOSED ELEVATIONS 1:100 dated November 2019**

**ELEVATION STREET SCENE 1:200 dated November 2019**

**FORMER and PROPOSED BUILDING ON PLOT AREA 1-125  
dated November 2019**

**REASON**

To ensure that the development is carried out in accordance with the application as approved.

- 12. Notwithstanding the approved plans, the trees in the North West corner of the development, as detailed in the planning statement, shall be retained for the lifetime of the development unless otherwise agreed in writing**

**REASON**

In the interest of visual amenity as required by Policy CS16 of the Core Strategy.

**(The replacement of Condition 2 and the addition of a further Condition regarding the retention of trees, were reported at the meeting.)**

<b>Application</b>	2
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<b>Application Number:</b>	20/00792/FUL
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<b>Application Type:</b>	FULL Application
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<b>Proposal Description:</b>	Alterations to form 1 new additional flat ( Flat 11)
<b>At:</b>	Welch House, Carr Lane, Hyde Park, Doncaster

<b>For:</b>	Mr Welch
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<b>Third Party Reprs:</b>	None	<b>Parish:</b>	
		<b>Ward:</b>	Hexthorpe & Balby North

**A proposal was made to refuse the Application contrary to the Officer's recommendation.**

**Proposed by: Councillor John Healy**

**Seconded by: Councillor George Derx**

**For: 10 Against: 0 Abstain: 0**

**Decision: Planning permission refused for the following reason:-**

- 01. The proposed development would not provide satisfactory living conditions for its occupants due to the insufficient standards of space within the property, outside amenity space and lack of natural outlook due to orientation of the flat and lack of windows. As such, the proposal is contrary to Policies CS1 and CS14 (A) of the Core Strategy and the guidance set out in the Development Guidance and Requirements SPD. These policies seek to ensure that the development proposed is robustly designed, works functionally, is attractive, and will make a positive contribution to achieving the qualities of a successful place.**

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## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

21st July 2020

To the Chair and Members of the PLANNING COMMITTEE

### **PLANNING APPLICATIONS PROCESSING SYSTEM**

#### Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process. Any pre-committee amendments will be detailed at the beginning of each item.

#### **Human Rights Implications**

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic well being or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

#### **Copyright Implications**

The Ordnance Survey map data and plans included within this document is protected by the Copyright Acts (Sections 47, 1988 Act). Reproduction of this material is forbidden without the written permission of the Doncaster Council.

**Scott Cardwell**  
**Assistant Director of Economy and Development**  
**Directorate of Regeneration and Environment**

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

## Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'  
Any pre-committee amendments will be detailed at the beginning of each item.

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Application	Application No	Ward	Parish
1. M	19/03058/FULM	Hatfield	Hatfield Parish Council
2.	20/00580/FUL	Town	
3.	20/00620/FUL	Rossington And Bawtry	Bawtry Town Council

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<b>Application</b>	1.
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<b>Application Number:</b>	19/03058/FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 41 affordable dwellings; formation of a new access road off Broadwater Drive; extension of the existing highway off Broadlands Close; associated parking and visitor parking; construction of a dual (foul and surface water) pumping station, new boundary treatments; external works; tree removals and replacements; and landscaping proposals including new path through linked area (“the linked area”) and connecting to playing fields.
<b>At:</b>	Land Off Broadwater Drive And Broadlands Close, Dunscroft

<b>For:</b>	Mr Martin Phillips - Ongo Developments
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<b>Third Party Reps:</b>	12 representations in opposition.	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

<b>Author of Report:</b>	Dave Richards
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## SUMMARY

### **RECOMMENDATION: Grant planning permission subject to a Section 106 Agreement**

The scheme will deliver much needed affordable housing for the Borough. The site is located within a Priority Residential Area for housing in the Unitary Development Plan and lies within an area that is marked for significant housing growth in the Core Strategy. The site is in a sustainable location and makes efficient use of vacant land, however the site has also been identified as informal open space in the Green Space Audit and the loss of a section of this informal space will result in an additional loss in biodiversity value to the site. The scheme has been designed to ensure that a suitable mix of affordable housing can be provided whilst protecting opportunities for landscaping and providing better and safer connectivity through the site. Whilst it is accepted that the internal dimensions to most of the properties are slightly less than the nationally prescribed standards, the properties overall enjoy decent standards of amenity. The proposal ensures that there is no demonstrable loss of amenity to surrounding residential properties through overlooking or overshadowing and has been designed to meet all other technical requirements to ensure that highway requirements are met and the properties are safe from flooding whilst not increasing flood risk elsewhere. In summary, the provision of 41 affordable homes would significantly and demonstrably outweigh its adverse impacts.

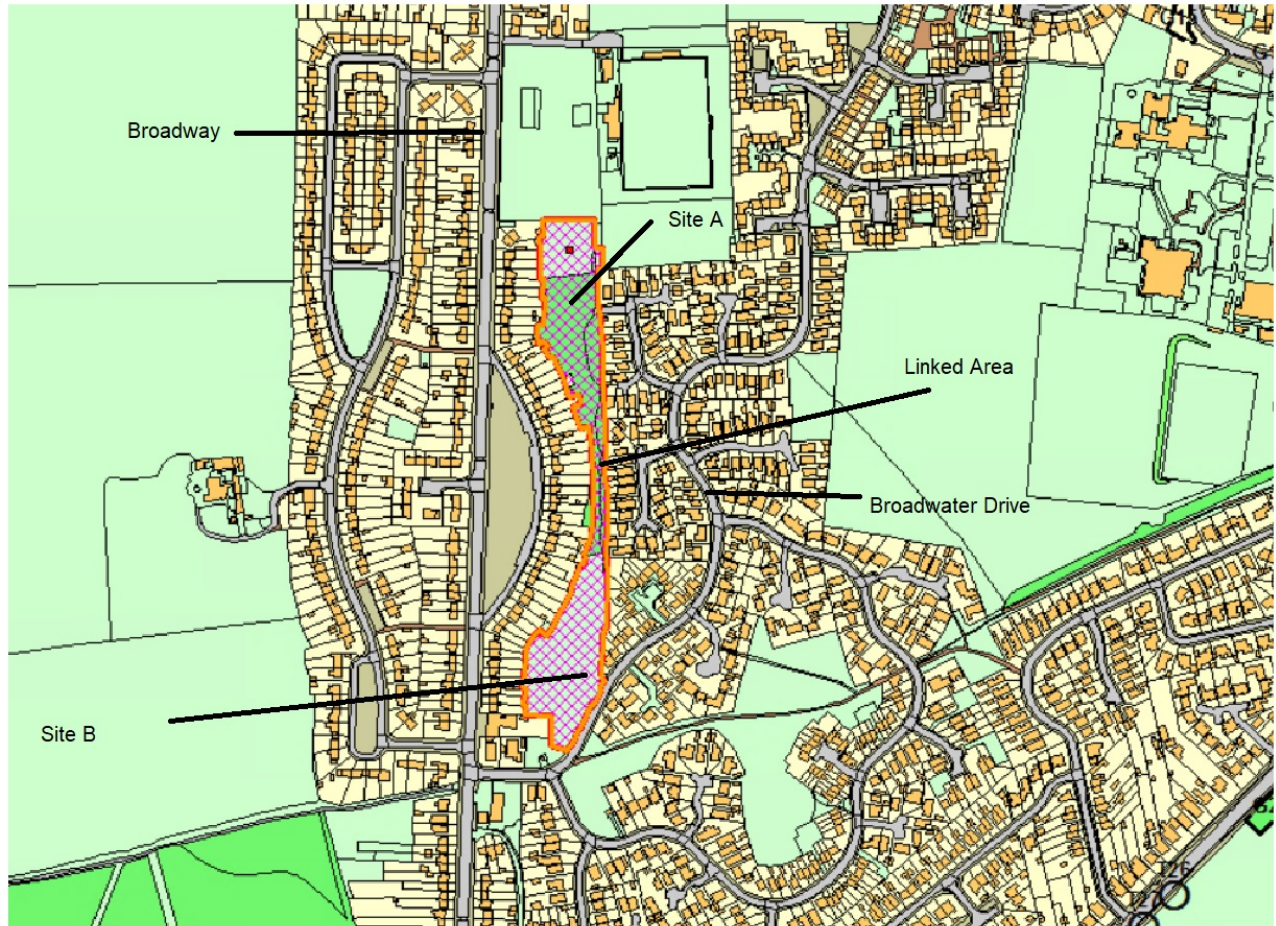


Figure. 1 - General arrangement.

## 1.0 Reason for Report

1.1 This application is before Planning Committee due to the application site being owned by Doncaster Council and due to the number of representations received.

## 2.0 Proposal

2.1 This application seeks full planning permission for a residential development consisting of 41 affordable dwellings and associated infrastructure on a site which is owned by Doncaster Council.

2.2 As part of the ongoing Affordable Housing Programme, this site has been difficult to develop effectively with Housing Associations in the past. However, Ongo Homes have approached the Council directly with interest in the site leading to the current application.

2.3 The application includes various plans and supporting documents including:

- Design and Access Statement
- Flood Risk Assessment
- Ecology Reports
- Tree Survey
- Drainage Assessment
- Pre-Community Engagement Statement
- Planning Statement with Sequential and Exceptions Test
- Archaeological Investigation Report
- Proposed Elevations
- Proposed Floor Plans
- Site Plans
- Streetscenes and Boundary Treatments
- Landscape Master Plans

2.4 The proposal is for the provision of 100 percent affordable housing. There are two distinct areas of the proposed residential development described as Site A and Site B (see general arrangement in figure 1). The two sites are connected by a landscaped area.

### **3.0 Site Description**

3.1 The site is located in Dunscroft, off Broadwater Drive, in an established residential area. The land is approximately 450m in length and is bound by Broadlands Close and Bretton Close to the east, Broadwater Drive to the south and Broadway to the west. The land levels to the site generally slope gently down from the north to the south and is currently unused and grassed over with bushes, scrub and evidence of fly tipping.

3.2 The site is well connected to the wider area through a network of established roads and footpaths and is well served by nearby local transport links on Broadway to the west of the site.

### **4.0 Relevant Planning History**

4.1 There is no relevant planning history for the site and has mainly been used as informal open space for years.

### **5.0 Site Allocation**

5.1 The land is included within a Priority Residential Area according to the UDP. The identification of these areas has been undertaken by locating areas where particularly bad conditions of Council housing stock and degraded or poor environment co-exist. The UDP states that there should be a commitment to establishing higher environmental and housing standards on a priority basis.

#### **National Planning Policy Framework (NPPF) (2019)**

5.2 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless

material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:

- 5.3 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development.
- 5.4 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
  - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.5 Paragraph 59 states the Government's objective is to significantly boost the supply of homes, including providing sufficient land where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.6 Paragraphs 91 – 93 state that planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, promote street layouts which enhance connectivity, are safe and accessible and support healthy lifestyles. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration and local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
- 5.7 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
- 5.8 Paragraph 118 states that give substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 5.9 Paragraph 127 states that planning policies and decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. This includes establishing a strong sense of place which is sympathetic to local character and which optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- 5.10 Paragraph 130 recognises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.11 Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.12 Paragraph 180 recognises that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

### **Doncaster Core Strategy (2012)**

- 5.13 Policy CS1 states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.14 Policy CS2 identifies Dunscroft as a Potential Growth Area, where significant housing growth could be sustainably accommodated which provide opportunities for major new infrastructure provision and job creation.
- 5.15 Policy CS4 seeks to direct development to areas of lowest flood risk and ensure that mitigation measures are in place to ensure that developments do not flood. Developments within flood risk areas will be supported where they pass the Sequential and/or Exceptions Test.
- 5.16 Policy CS10 sets out the phasing of housing for the period of the plan. Existing housing allocations can be built from 2011 onwards, except where flood risk or other delivery issues cannot be resolved.
- 5.17 Policy CS12 states that new housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support communities.
- 5.18 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area. Policy CS14 also seeks to achieve ease of pedestrian movement, the protection of public safety and securing a functional highway network.
- 5.19 Policy CS15 states that regard will be given to the protection of historic assets, including any archaeological significance.
- 5.20 Policy CS16 states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals will be supported which enhance the Borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.

### **Saved Unitary Development Plan (UDP) (1998)**

- 5.21 Policy PH16 identifies the site as being suitable for housing.
- 5.22 Policy PH17 states that in considering new development, special attention will be given to environmental improvements such as landscaping, improved layouts, better access, and the availability of programme, grant aided and project based funding.

### **Emerging Local Plan (Submission 2020)**

- 5.23 Paragraph 48 of the NPPF allows LPA's to give weight to relevant policies in emerging plans depending on the stage of preparation, the extent to which there are any unresolved issues and the degree of consistency with the NPPF. The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The Council is aiming to adopt the Local Plan by winter 2020 and the following policies would be appropriate:
- 5.24 The emerging Local Plan identifies the site as being Open Space under Policies 27 and 28.
- 5.25 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. Limited weight.
- 5.26 Policy 2 identifies the area as a Main Town. These areas will be the focus for substantial housing growth. Limited weight.
- 5.27 Policy 3 identifies that Main Town areas should receive around 40% of the Borough's total housing allocation. Limited weight.
- 5.28 Policy 8 sets out the requirements for the range of housing including the need for affordable housing. Limited weight.
- 5.29 Policy 14 seeks to promote sustainable transport within new developments. Limited weight.
- 5.30 Policy 17 seeks to consider the needs of cyclists within new developments. Moderate weight.
- 5.31 Policy 18 seeks to consider the needs of pedestrians within new developments. Moderate weight.
- 5.32 Policy 27 relates to the protection and enhancement of green infrastructure. Limited weight.
- 5.33 Policy 28 concerns the protection of open space and non designated open space. Limited weight.
- 5.34 Policy 29 deals with open space provision in new developments. Limited weight.



- 5.35 Policy 30 concerns the suitable protection of ecological networks. Limited weight.
- 5.36 Policy 31 deals with the need to value biodiversity. Limited weight.
- 5.37 Policy 33 states that the design process should consider woodlands, trees and hedgerows. Substantial weight.
- 5.38 Policy 40 deals with understanding and recording the historic environment. Moderate weight.
- 5.39 Policy 43 deals with the need for good urban design. Moderate weight.
- 5.40 Policy 46 deals with housing design standards and at criterion a) makes reference to ensuring all new housing should meet the Nationally Described Space Standards. Limited weight.
- 5.41 Policy 49 concerns the landscaping of new developments. Limited weight.
- 5.42 Policies 55 and 56 deals with pollution and on site contamination. Limited weight.
- 5.43 Policy 57 requires the need for satisfactory drainage including the use of SuDS. Moderate weight.
- 5.44 Policy 58 deals with the need to consider flooding. Limited weight.
- 5.45 Policy 66 deals with developer contributions. Moderate weight.

**Other material planning considerations**

- 5.46 Several Supplementary Planning Documents (SPDs) have been published, which are material considerations in the determination of planning applications.

*Development Guidance and Requirements SPD (July 2015)*

- 5.47 The SPD sets out the guidance to help implement policies in the Development Plan. This includes design in the urban and rural environment, the historic environment, transport and accessibility, strategic green infrastructure, biodiversity, geodiversity and ecological networks, open space standards and requirements, landscape, trees and hedgerows.

*South Yorkshire Residential Design Guide SPD (2011)*

- 5.48 The South Yorkshire Residential Design Guide SPD is intended to provide a consistent approach to design in the development management process and aims to improve the quality of residential design in South Yorkshire.

*Development and Flood Risk SPD (October 2010)*

- 5.49 The Development and Flood Risk SPD has been produced to set out the Council's approach to managing flood risk and sets out the requirements for a sequential assessment.

- 5.50 Other Council initiatives include:

- The Doncaster Green Infrastructure Strategy 2014 - 2028
- Doncaster's Economic Growth Plan 2013-18
- Doncaster's Borough Strategy 2014
- Doncaster Health and Wellbeing Strategy 2016- 2021
- Doncaster Growing Together

5.51 The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

## 6.0 Representations

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notices, council website, press advertisement and neighbour notification.

6.2 12 representations have been received in opposition to the application and the comments can be summarised as follows:

- Impact on natural wildlife habitat
- Impact on protected species
- Pollution from traffic
- Loss of privacy
- Loss of trees
- Increase in pressure on local services
- Over intensive development of the site
- Loss of informal green space
- Risk to highway and pedestrian safety
- Increase in anti-social behaviour
- Overbearing appearance
- Increase in flood risk
- Increase in surface water flooding
- Presence of asbestos on site

## 7.0 Hatfield Parish Council

7.1 Hatfield Parish Council believes this is an over intensive development of the site and would like to see the footpath to the Miners Welfare field sealed off.

## 8.0 Relevant Consultations

8.1 **The Ecology Officer** has raised no objections in relation to the potential to impact on any significant wildlife habitats on site. The proposal does, however, result in a deficit of 4.7 units in biodiversity and requests that a sum of £42,923 to be secured via a section 106 agreement. This would be put towards an offsite habitat creation / restoration project aiming to deliver the required units.

8.2 **The Tree Officer** has noted that the site is problematic to develop given it will involve a great deal of loss of greenery and natural habitat (although this is undermined by litter, fly tipping and vandalism of many of the trees at the site). The

Officer notes that there are only a handful of better quality trees of which some are being retained whilst some are being removed. There is misplaced retention of some of the poorer quality landscaping which could be improved.

- 8.3 **The Open Space Officer** has stated that it is not felt that the loss of open space has been justified through a consultation exercise. Secondly, the application, whilst generating a loss of open space, is not proposing any on site provision. In this case, given the shape of the site, it is unlikely that good onsite provision can be secured with housing, and so the Officer requested that if the loss of open space is justifiable, a commuted sum of 15% is provided in order to improve a local open space.
- 8.4 **Transportation** have raised no objections subject to conditions.
- 8.5 **Highways Development Control** have raised no objections subject to conditions.
- 8.6 **The Public Rights of Way Officer** has raised no objections.
- 8.7 **Environmental Health** have raised no objections subject to conditions.
- 8.8 **The Air Quality Officer** have raised no objections.
- 8.9 **The Contaminated Land Officer** have raised no objections subject to conditions.
- 8.10 **The Environment Agency** initially objected to the application but following revisions have raised no objections subject to conditions.
- 8.11 **Yorkshire Water** have raised no objections subject to conditions.
- 8.12 **Public Health** requested additional information and the applicant has responded with a rapid Health Impact Assessment which sets out the merits of the proposal.
- 8.13 **South Yorkshire Archaeology Service** do not identify any significant issues with the initial survey and is content to propose a suitably worded condition.

## **9.0 Assessment**

9.1 The principle issues for consideration under this application are as follows:

- Principle of development;
- Impact on the area as open space
- Ecology
- Trees and Landscaping
- Impact on the character and appearance of the area
- Impact on residential amenity
- Highway safety and traffic
- Flooding
- Archaeology
- Viability and S106 obligations
- Overall planning balance

9.2 For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of Development

- 9.3 The site is allocated for housing in the Doncaster UDP and therefore accords with policy PH1 (7/10). The application complies with Policy CS2 of the Core Strategy, which identifies Hatfield as a Potential Growth Town, which is one of the main areas for growth and regeneration outside of the Main Urban Area and Main Towns.
- 9.4 The site is well related and close to other services with a wide range of facilities being within a reasonable walking distance to the site, such as local shops and supermarkets in Dunsville and Hatfield, local schools, community buildings, public houses, restaurants and access to green spaces.
- 9.5 The site is in a sustainable location, being close to day to day facilities within the area. The site is close to public transport. Frequent bus services are available on Broadway near the site to provide regular access to the town centre and the train station. The proposal is therefore acceptable in principle and considerable weight should be given towards its location within a housing policy area.

### Sustainability

- 9.6 The NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs
- 9.7 There are three strands to sustainability and these are social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.

## **SOCIAL SUSTAINABILITY**

### **Provision of affordable homes**

- 9.8 At the heart of this application is a commitment to meet a policy objective of the Councils Housing Strategy to provide good quality, affordable housing for all sections of the community. Evidence from the recent Housing Needs Study (2019) indicates overall Doncaster has a net Affordable Housing Need of 209 units per year over the next 5 years. Furthermore, the findings suggests there is a net Affordable Housing Need for the Duncroft/Dunsville/Hatfield/Stainforth area; and that this need is mainly for 3 bed houses and 2 bed bungalows.

9.9 As such, there is an identified need for the proposed development and a clear demand for the accommodation proposed in this application. Consequently, I afford substantial weight to the proposed development in terms of meeting an identified need for affordable accommodation and the quick delivery of this housing will immediate help to address that requirement.

### Living Standards

9.10 In March 2015, the Government introduced a ‘Nationally Described Space Standard’ (NDSS). The NDSS deals with internal space within new dwellings and is suitable for application across all tenures and number of bedrooms. It sets out the requirements for the Gross Internal Floor Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

9.11 The full standards are available on the Government’s website, however a summary table is provided below:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>) Number of bedrooms (b)**

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) <sup>2</sup>			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_Final\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf)

Figure 2 – Nationally Prescribed Space Standards (m<sup>2</sup>)

9.12 The Design Officer has correctly noted that most house types proposed fall below the nationally described minimum space standards by between 8-10m<sup>2</sup>. This is an important consideration as the size and quality of new dwellings in Doncaster is an important factor into the happiness, health and well-being and quality of life experienced by residents.

9.13 The Council do not currently impose internal space standards through a policy in the current Development Plan and rely on guidance on space standards through the South Yorkshire Residential Design Guide SPD which was adopted in 2015. Under the SPD, internal space standards were produced after extensive research

into standards in other local authorities. The standards set out the minimum internal spaces for different aspects of a dwelling, across various dwellings sizes.

- 9.14 An associated Written Ministerial Statement (WMS) to the NDSS is clear in that ‘Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.’ The MWS states that the NDSS are optional for planning purposes and should only be required if they address a clearly evidenced need and are incorporated into a Local Plan.
- 9.15 As mentioned above, the Council does not yet have a relevant adopted local plan policy relating to space standards. Although Policy 46 in the Draft Local Plan specifically addresses this issue, the amount of weight which can be applied to this policy is limited by the fact that the policy has received significant unresolved objections and the Council’s evidence has yet to be tested in full in public examination. As such, the current standards set out in South Yorkshire Residential Design Guide are the most appropriate measure of determining internal dimensions until such time that more weight can be attributed to the relevant policy in the Draft Local Plan.
- 9.16 In conclusion, the internal dimensions to most properties would be less than the NDSS requirement but would largely satisfy the requirements of adopted guidance set out in the South Yorkshire Residential Design Guide. The exception would be house type D which would be marginally smaller than the recommended guidance. A comparison table between the proposed floor space and the requirements of the SYRDG and the NDSS are set out below for ease of reference:

House Type	Proposed GIA	Net overall floor area (SYRDG)	Net overall floor area (NDSS)
A (2b, 4p)	71	+9	-8
A.1 (2b, 4p)	69	+7	-10
A.2 (2b, 4p)	71	+9	-8
A.3 (3b, 4p)	81	+4	-3
B (2b, 4p)	74	+12	-5
C (3b, 5p)	83	+6	-10
C.1 (3b, 5p)	81	+4	-12
C.2 (3b, 5p)	83	+6	-10
D (2b, 3p)	60	-2	-1
E (3b, 5p)	95	+18	+2

Figure 3 – Table comparison of proposed floor space

- 9.17 Recognising that the proposal does not fall within the table set out in the NDSS but would mainly comply with the South Yorkshire Residential Design Guide, it seems reasonable therefore to consider whether or not the new dwellings would provide satisfactory space to place furniture and items necessary for day to day living.
- 9.18 During the course of the application, the Council requested that either the homes should be enlarged to meet NDSS standards, or the properties marketed to families / people with one less person in the home to ensure there is adequate space for the intended number of occupants. The applicant has pointed out that the funding package available for the scheme has been assessed and approved by Homes England based on the current designations at 85% of NdSS, which would be

consistent with the current application. The applicant has looked at increasing the overall floor space of each house, however this would add approximately £400,000.00 - £500,000.00 on any contract sum and would be unviable. The Housing Officer has also confirmed that changing the house type designations (for e.g. reducing a 2b4p to a 2b3p would prove difficult under any future Homes England audit, as funding was based on the original designation.

- 9.19 In any event, even if the NDSS standards were applicable, the deficit in internal space would be just one aspect of what is generally a well thought out and designed infill scheme. The ground floor kitchen dining area would be open plan and whilst of a modest size, the submitted drawings indicate that there would be space for useable worktops, space for white goods and a dining area. The ground floor living area would provide space for a settee and television. Whilst the new dwelling would be likely to be more sparsely furnished, it would still provide areas for the intended future occupier to cook a meal, eat and relax. Each property would also benefit from an enlarged ground floor WC/bathroom to make the properties more accessible to those with mobility issues. At first floor, there would be sufficient circulation space for the intended future occupiers to store clothes and other items in addition to modest but useable bedroom space. The dwellings otherwise would meet the Council's existing and emerging standards in terms of garden space and parking standards.
- 9.20 In reaching a conclusion, more weight has been applied to largely meeting the objectives of existing policy guidance set out in the South Yorkshire Residential Design Guide and the overall objectives of the NPPF in seeking to deliver a wider choice of homes. The application is considered to provide suitable living conditions in compliance with Policies CS1 and CS14 of the Core Strategy which seek a good standard of amenity for all existing and future occupants of buildings.

### **Loss of Open Space**

- 9.21 Policy CS17 of the Core Strategy states that Doncaster's green infrastructure network (including key green wedges) will be protected, maintained and enhanced. Policy RL2 of the UDP permits the loss of undesignated open space provided a number of conditions are met; including an assessment of community need to show that the land is surplus to requirements, and that any loss would not compromise a facility for casual play, buffer areas, visual amenity, nature conservation interest or links between other spaces. Policy PH11 of the UDP allows residential development where it would not result in the loss of social, community or other recreational facilities for which there is a demonstrated need.
- 9.22 Dunscroft is deficient in 4/5 open space typologies, however this does not apply to the levels of informal space. Nevertheless, the Open Space Policy Officer correctly notes that the loss of this land in conjunction with an increase in population could result in a deficiency in informal space, or at least decrease the remaining space available for recreation.
- 9.23 The Development Requirements and Guidance SPD includes a section about how the Council deals with applications for the loss of open space. In such cases, it is usual practice that the applicants undertake a public consultation on the loss of open space and, in this case, a catchment of 200m surrounding the application site would cover most households that would be likely to utilise this space.

- 9.24 Although the applicant has not carried out this exercise, it has engaged positively with the local community. A pre-application community consultation drop in event took place in October 2018 at Dunscroft Welfare Club to offer the local community the opportunity to view indicative plans and garner opinion on developing the land for affordable housing. Approximately 150 properties were given invitation letters and attendance at the event was between 60-90 people. Further discussions have taken place with Ward Members at various points and the proposal in outline form has been presented to the Council's Cabinet for approval.
- 9.25 During the course of the application, approximately 500 properties surrounding the site have been consulted via written notification. The amount of consultation can be seen in the image below showing the properties consulted, with responses received indicated by red triangles:

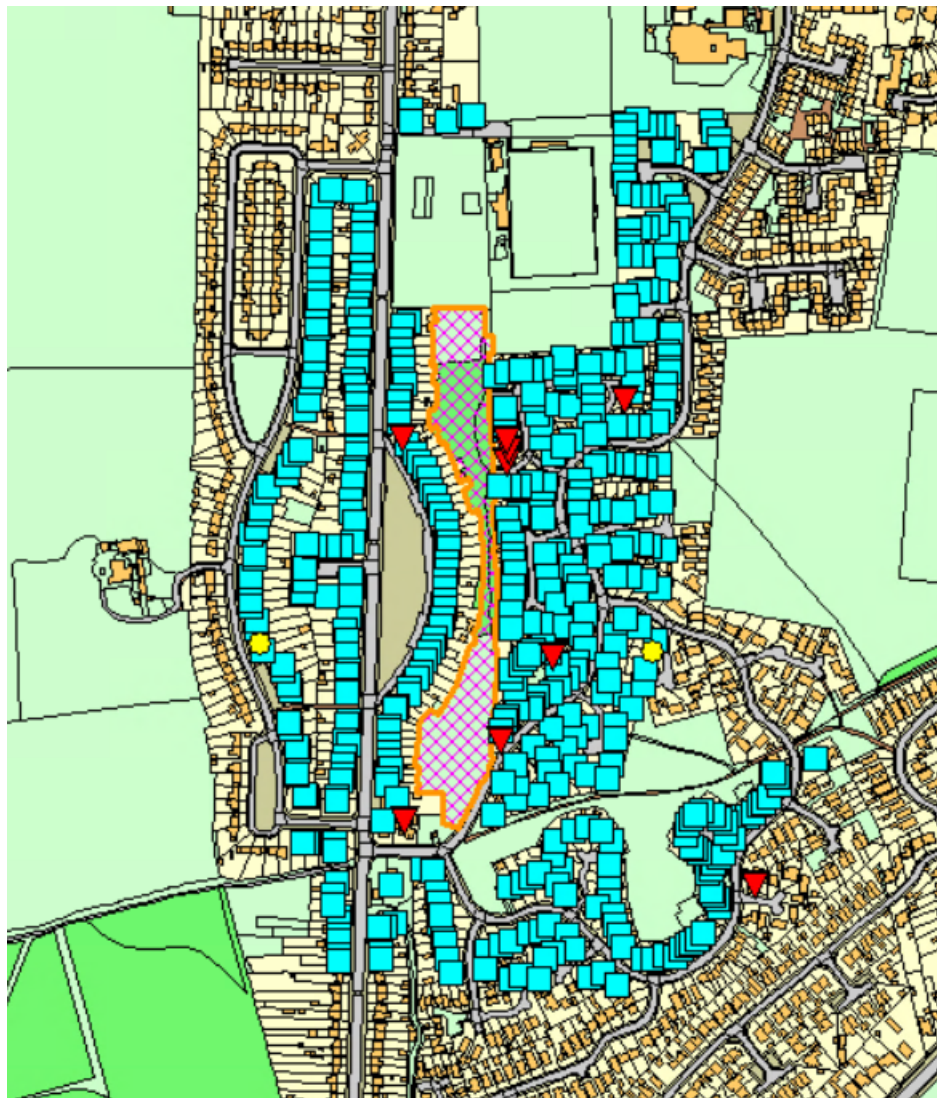


Figure 4 – Public consultation on the planning application.

- 9.26 Of the properties consulted, two representations make reference to the loss of informal open space. This result shows that, although the loss of informal open space should not be dismissed, the majority of residents within a reasonable distance of the site may not have any particular views either way on the application or with regard to the principle of development. Furthermore, it is judged that the area of land does not have significant recreational value given its restricted position between two residential estates. It should also be noted that its value as



open space and a pedestrian link would be retained and, in the case of infrastructure, be improved over the existing layout.

- 9.27 Taking all these factors into account, the level of response to the application indicates that the loss of some of the site as informal amenity space would not lead to a loss of open space valued by the community in line with the requirements of Paragraph 97 (a) of the NPPF. This attracts neutral weight in the overall planning balance.

### **Provision of Open Space**

- 9.28 Policy CS17 of the Core Strategy states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses by providing suitable and appropriate, on-site (or an equivalent contribution towards off-site contribution). Policy RL4 requires 10-15% of the total site area of new developments with over 20 family dwellings to be laid out as public open space, except where the Council requires a commuted sum.
- 9.29 In this case, given the shape of the site, it would not be possible to achieve good onsite provision and so it has been requested that if the loss of open space is justifiable, a commuted sum of 15% should be provided in order to improve a local open space in the area.
- 9.30 The scheme has been independently assessed for viability by an independent assessor. The assessor has considered the information contained within the viability assessment and has concluded that the affordable scheme is unable to provide a contribution towards improving open space. Whilst clearly developer contributions are necessary in order to make the scheme acceptable, this has to be weighed against all other material considerations including development in a sustainable location and the provision of affordable homes in Doncaster.

### **Impact on Neighbouring Residential Amenity**

- 9.31 The properties most likely to be affected by the development are those which back on to the site on Broadwater Close and Bretton Close to the east and Broadway to the west. Good practice guidance makes clear that new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of occupiers of existing properties. Plot size, site layout, open space, landscape, garden space, building size and form, architectural style, materials, access and car parking provision and arrangement are all key design aspects of a development which will be considered in the assessment of proposals.
- 9.32 The SPD suggests the following minimum distances between dwellings:
- a) Where high occupancy room windows of dwellings of two-storey face each other they should be a minimum of 21 metres apart.
  - b) Where high occupancy room windows face low occupancy room windows or a blank gable they should normally be a minimum of 11 metres apart;
  - c) Habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary.

The SPD goes on to state that separation distances can be reduced at the discretion of the planning officer.

- 9.33 In the case of Site A, the properties on Broadland Close would be separated by the required standard. Properties on Broadway to the west benefit from long, thin gardens and although some of the proposed dwellings would be separated by some 8-10m from the rear boundary. In respect of Site B, Plots 27, 32 – 34 would also be situated at a closer distance but again, with ample rear gardens, the nearest sections of garden appear underutilised and do not appear to be sensitive areas where a higher degree of privacy should be provided.
- 9.34 Plots 40-41 would be separated from the common boundary by approximately 8.5m to the common boundary and 12m to the nearest window in the neighbouring property. Although these distances are below 21m, the SPD allows for reduced separation distances between single and two storey properties and where the angle of view is more acute. These circumstances would apply in this situation.
- 9.35 Concerns have been expressed with the proximity of plots 21 -23 to dwellings on Broadland Close. The side gable of the closest property (plot 23) would be approximately 14.1m from the rear elevation of No.11 Broadland Close which would not be unreasonably overbearing.
- 9.36 In summary, it is not felt that any of these dwellings would lead to unreasonable levels of overlooking or would appear over dominant from the perspective of the neighbours. This attracts neutral weight in the overall planning balance.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design and impact upon the character of the area**

- 9.37 Policies CS1 and CS14 of the Core Strategy look at design components including the density and form of development to ensure it is functional as a place to live comfortably and with good standards of amenity.
- 9.38 The proposal is considered a well-designed infill scheme, which makes good use of a sustainably located back land site despite a number of technical constraints. The scheme meets the Council's existing and emerging standards in terms of garden space, and parking standards and the Design Officer believes the layout is well-balanced with an attractive public realm and streetscapes that combine the inevitable use of private car with other opportunities to walk and cycle beyond the site. During the course of the application, various comments provided in relation to minor tweaks to design were taken on board or justified.
- 9.39 The proposed external material include a red multi brick as the main facing material for the external walls and interlocking concrete tiles for the roof. A limited amount of render will tie in with existing houses near to the site. Render features such as bay windows or first floor level of a select number of blocks have been introduced. Grey coloured windows and doors, black fascia and soffit boards will enhance the structures, giving each home a traditional, yet modern appearance. The homes are considered to be attractive and well detailed which, alongside the landscape scheme, create a characterful infill development.
- 9.40 Concerns have been expressed that the proposal would over develop the site. However, the density of development at 34 dwellings per hectare for Site A and 30

dwellings per hectare for Site B is not considered to be overly intensive. Each dwelling would have the recommended garden and parking provision in line with good practice guidance. The mix has been established by the applicant and Doncaster Housing Team to meet current housing requirements in the local area.

9.41 The Design Officer has noted that the area is generally devoid of any positively distinctive contemporary residential architecture and the proposal would enhance the general standards of design locally as a result. Whilst it is accepted that there is a loss of informal open space, there is considered to be a significant enhancement to the central linked area and the route to the playing fields and, in terms of public safety, the equipped park to the north will be much safer and overlooked. In summary, the scheme would present an enhancement to the architectural character of the area in design terms. In this regard, the design aspirations of the development result in moderate weight being applied in favour of the application.

**Trees**

9.42 Policy CS16 of the Core Strategy and Policy ENV59 of the UDP attach importance to protecting trees and welcoming proposals that enhance the Borough’s landscape and trees. A tree survey has been submitted during the course of the planning application. There are various poor quality trees and shrubs that have been or would be removed to make way for the development however, as noted by the Council’s Tree Officer, some trees should ideally be retained as curiosities or to keep some mature planting on the site. It is also noted that some local residents have noted the loss of some oak trees as a result of the development. A summary table with explanatory commentary of the best trees on the site is shown below:

Tree	Survey Category Grading	Tree Officer Comments	Action/Justification
T3 (Lime)	B2	A fine off site road lime tree	Retained
T5 (Cherry)	B2	Fine cherry tree	Retained
T8 (Oak)	B2	Unbalanced but suitable for retention – service runs and structures should be beyond the root protection area of this tree	Regrettably, the position of services and the requirement for a drainage easement strip from Yorkshire Water means that removal is proposed for these trees
T9 (Oak)	B2	No arboricultural merit but could be retained as a curiosity.	
T16 (Oak)	B2	Fine tree	Retained

Figure 5 -Trees worth of retention according to the Tree Officer

9.43 Whilst it is accepted that more mature trees should be retained, they do not form a significant characteristic of this area and individually the trees are unremarkable in terms of their quality. A tree survey has shown that the majority of those proposed for removal are poor quality and, in the case of the better trees proposed for removal, the position of the walkway and the requirement to lay utility services

between the two cul-de-sacs is sufficient justification in this case to preclude the removal of these trees as justification for refusing the development. Nevertheless, the removal of two oak trees from the site are a negative factor as they are worthy of retention and this weighs against the application.

- 9.44 The developer has agreed to enhance the walkway area to be formalised into a retained landscaped area. A landscape architect has provided guidance throughout the design process and details of proposed planting can be found on the landscape design masterplan. Such planting has been considered in terms of enhancing biodiversity. It is considered that the proposed landscaping scheme will make a much more positive contribution to the overall character and appearance of the area than the existing landscaping present which is generally poor quality and neglected. Given some existing trees of decent value are also proposed to be removed, neutral weight is applied against these perceived benefits of the proposal.

## **Ecology**

- 9.45 Policy CS16 of the Core Strategy also seeks to protect and enhance Doncaster's natural environment. An Ecological Report has been submitted with the application. The Council's Ecologist agrees with the findings of the report which says that the site, although containing a range of grassland and scrub habitat, is fairly low in terms of value.
- 9.46 During the course of the application, further assessment took into account the assessment of the trees on site for bat roosting potential. None of the trees have potential to support roosting bats and our Ecologist agrees with the assessment that due to its small size, a local bat population would not be reliant solely on the site for their foraging needs.
- 9.47 In summary, there are no protected species associated with the site and no statutory designations that would be impacted by the proposed development.
- 9.48 Paragraph 170 of the NPPF states that development should deliver and contribute towards a net gain in biodiversity. At present, there is no standardised approach, however the Government has reintroduced the Environment Bill, which is currently making its way through Parliament. Although the detail may be different when it comes into force, the draft provisions indicate that "biodiversity net gain" requires development to deliver at least a 10 per cent improvement in "biodiversity value".
- 9.49 In this case, the Metric assessment shows that the development would result in a loss of 6.6 units in contrast to delivering a total of 7.3 units. Taking into account the onsite landscaping proposed, the development would result in a deficit of 4.7 units to be delivered off site. Our Ecologist has suggested that given the constraints of enhancement to the remaining part of the site, a commuted sum has been requested of £42,923 to be secured via a section 106 agreement. This would be put towards an offsite habitat creation / restoration project aiming to deliver the required units.
- 9.50 Nightjar foraging from Hatfield Moors has also been raised as a concern and reference has been made to the site's location to Hatfield Moors. The site is around 5km from Hatfield Moors and, while birds may occasionally travel such a distance, it is considered highly unlikely that they would be reliant on a site at this distance for their foraging needs, with most foraging trips taking place closer to the

designated site. This is reflected in our policies which set a distance of 3km from the moors within which planning applications need to show how they will deliver no net loss of nightjar foraging habitat.

- 9.51 The scheme has required significant levels of Homes England grant to support the delivery and any additional expense would therefore render the scheme unviable. Whilst the requirements of paragraph 170 of the NPPF are noted, the scheme is unable to provide a commuted sum for off-site bio diversity net gain. This would be contrary to the local and national requirements for developments to provide a biodiversity net gain and consequently weighs against the application.

### **Flooding and Drainage**

- 9.52 Policy CS4 of the Core Strategy requires a proactive approach towards the management of flood risk and drainage. A Drainage Impact Assessment and Flood Risk Assessment have been submitted with the application.
- 9.53 The application site lies within an area designated as Flood Risk Zone 3 according to the Environment Agency's flood maps. Initially the Environment Agency objected to the proposal on the basis that some of the bungalows proposed failed to comply with the requirements set out in the NPPF and failed to establish consistent finished floor levels in line with the Doncaster's SFRA.
- 9.54 Following this, the scheme was amended to provide some bungalows with first floor refuge areas which would be protected from flood risk. The Environment Agency were re-consulted and subsequently removed their objection subject to suitably worded conditions. The Drainage Team have no objection to the proposed drainage strategy for the site.
- 9.55 The applicant has carried out a Sequential Test and conclude that there are no sequentially preferable sites which are reasonably available within a lower flood risk area that are capable of accommodating the development within the catchment area.
- 9.56 As new housing is proposed in Flood Zone 3 the Exception Test must be applied. This test consists of two parts; a site specific flood risk assessment (SSFRA) must demonstrate that the development would be safe for its lifetime and it must be demonstrated that the development provides wider sustainability benefits that outweigh flood risk. In terms of flood risk, the lifetime of a development is considered to be a minimum of 100 years.
- 9.57 The measures and increased land levels will ensure that the development will be safe from flooding for its lifetime and the development of this site will provide sustainable housing and further strengthen existing town services. The mitigation measures suggested would be reserved by condition.
- 9.58 Hatfield and Stainforth is identified by Policy CS2 of the Core Strategy as one of the key areas where new housing growth through sustainable urban extensions will be focused. The site is located within a reasonable walking distance of local amenities and nearby public transport. The provision of affordable dwellings would provide significant help in addressing housing need and would have social benefits as a result of its location and the standard of modern sustainable construction. In terms of the economy, new development would create employment and support growth

during construction. Environmentally, the proposed scheme would be well designed and use underutilised land.

- 9.59 Considering the above factors, the development passes the Sequential and Exceptions Test in line with the NPPF and Policy CS4 of the Core Strategy. The compliance with this policy attracts neutral weight in the overall planning balance.

### **Impact upon Highway Safety**

- 9.60 Policy CS9: Providing Travel Choice, states that proposals will be supported where they make an overall improvement to travel choice and the transport network. Policies CS1 and CS14 of the Core Strategy and Policy PH11 of the UDP seek, amongst other things, to achieve ease of pedestrian movement, the protection of public safety and securing a functional highway network.
- 9.61 Access to Site A is via an extension to an existing spur from Broadwater Close and would split into two cul-de-sacs. Access to Site B would be via a new access road served from Broadwater Drive with good visibility in either direction. A pedestrian link (“the linked area”) would connect the two sites together and offer an upgraded route for pedestrians and cyclists.
- 9.62 Due to the size of the development, a Transport Assessment or Travel Plan is not required to be submitted with the application. The application has been fully assessed by the Council’s Transportation Team and no objections have been raised in terms of potential increases in car traffic in the area. Provision of cycle storage and electric charging points are to be reserved by condition.
- 9.63 The Council’s Highways Development Control Officer has assessed the proposal in terms of its impact on highway safety and has fully considered the proposed layout in terms of its quality accessibility and legibility. It is considered that the proposal meets the design criteria in the South Yorkshire Residential Design Guide used as good practice. The proposal has acceptable access and egress and the highway layout, subject to the imposition of conditions relating to the detailed engineering and highway drainage being submitted and agreed prior to the commencement of development.
- 9.64 Policy CS1 of the Core Strategy states that proposals will be supported which contribute towards quality of life, in particular protecting local amenity and being well-designed, attractive and capable of achieving nationally recognised environmental, anti-crime and design standards.
- 9.65 There are no recorded Public Rights of Way affected by the development. Any footpaths across the site appear to be informal and hindered by over grown areas of amenity land with poor surveillance. The trees in that area have become overgrown and the area in general would benefit from landscape management. The proposal would see upgraded access for pedestrians and cyclists through a set of adopted footpaths and roads allowing residents to benefit from nearby local amenities and facilities by walking or cycling. It is noted that an objector does not wish to see a connection between Broadlands Close and land to the north however this linkage would provide a positive benefit to movement through the site and the development would introduce natural surveillance and lighting to the existing informal route.

- 9.66 It is considered that the proposal will have no adverse impact on the highway and that the proposal accords with Policy CS14 of the Core Strategy. The compliance with this policy attracts neutral weight in the overall planning balance.

### **Archaeology**

- 9.67 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on local planning authorities to pay special attention to preserving or enhancing historic assets. The NPPF recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. This approach is reflected in Policy CS15 of the Core Strategy which requires the quality of the historic environment, including archaeological features, to be conserved and enhanced.
- 9.68 During the course of the application, a scheme of survey works was agreed between the applicant and South Yorkshire Archeology Service (SYAS). The survey works found little interest that warrants further investigation in Site B. A further condition is imposed relating to an archaeological programme of evaluation to be undertaken in Site A with subsequent trial trenching should it be found to be necessary. This is a condition precedent to work commencing in Site A.
- 9.69 SYAS raise no objections to the proposed development and the development otherwise complies with Policy CS15 of the Core Strategy. The compliance with this policy attracts neutral weight in the overall planning balance.

### **Noise and air quality**

- 9.70 No objections have been raised from the Council's Environmental Health Officer with regards to the proposal creating noise or other disturbance. Relevant conditions have been imposed to protect neighbouring properties at the construction stage of development.
- 9.71 No objections have been raised from the Council's Air Quality Officer with regards to the proposal creating any significant air pollution. The site lies within a sustainable location with good access to public transport. The development also provides better linkages to adjacent sites to encourage occupants and visitors to walk or cycle. Slow charging electric vehicle charging points at each property will be reserved by condition. The application therefore accords with policy CS18 of the Core Strategy. The compliance with this policy attracts neutral weight in the overall planning balance.

### **ECONOMIC SUSTAINABILITY**

- 9.72 The proposed development will support construction and employment. Furthermore, disposing of the land to the applicant has the potential to lever in approximately £5m investment according to the Council's housing team; including Council Tax revenues, new homes bonus, removal of management and maintenance costs to the council whilst the site is vacant, the creation of local construction jobs/apprenticeships and opportunity for local supply chains. As some of these benefits would be temporary and may benefit areas other than Doncaster, moderate weight is applied in favour of the application.

- 10.1 Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 10.2 In paragraph 56 it is stated that planning obligations must only be sought where they meet all of the following tests
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010.

#### *Affordable Housing*

- 10.3 The development is to provide 100 per cent affordable housing, where Policy CS12 of the Core Strategy requires the provision of 26 per cent affordable housing, subject to viability. As noted in the report, a scheme representing this level of affordable housing attracts substantial weight and it is important that the mechanism for delivering this housing is secured via a Section 106 agreement.

#### *Public Open Space*

- 10.4 The Green Space Audit shows that the local area is deficient in 4 out of 5 open space typologies, although not informal space. Given the shape of the site, it is unlikely that good onsite provision can be secured with housing and so a commuted sum of 15% should be provided in order to improve a local green space. The external viability consultant considers that the existing value of £400,000 is reasonable and therefore 15% of this would be £60,000.

#### *Ecology*

- 10.5 The Metric assessment of the site shows that the development would result in a loss of 4.7 units. The NPPF requires planning applications to demonstrate a net gain in biodiversity and therefore a calculation of £42,923 as a commuted sum has been requested to put towards an offsite habitat creation / restoration project aiming to deliver the required units.

#### **Viability**

- 10.6 From carrying out an initial feasibility appraisal, the applicant deemed the site a viable option for new housing delivery. This is despite a number of challenging and costly site constraints, such as the requirement for a new pumping station, removal of pylons and re-laying of electrical power lines, low-level site remediation, and flood mitigation measures. Upon completion of a Strategic Flood Risk Assessment, it also became apparent that there will be additional expenditure associated with the scheme to manage the substantial abnormalities of which has necessitated the need for flood alleviation measures factoring into the designs and scheme costs. The costs of developing the site would also mean that it would be highly unlikely to reach anywhere near that value if put to sale on the open market and would also result in a significantly reduced number of properties which would not be for



affordable rent. This was confirmed by an independent viability appraisal which indicated the site would result in a negative land value. As a consequence, the scheme has required significant levels of Homes England grant to support the delivery of the scheme. No further grant is available for the scheme and any additional expense or contributions would render the scheme unviable.

- 10.7 It is for these reasons that the development cannot sustain any other Section 106 contributions such as for open space & ecology, but will deliver 100% affordable housing. The provision of the affordable housing and ensuring it remains affordable is to be secured through a suitably worded Section 106 Agreement.

## **11.0 PLANNING BALANCE & CONCLUSION**

- 11.1 The application is finely balanced as the development presents conflicting priorities for the Council and, such is the case with many larger or more complex applications with on-site constraints, there would be some inevitable tension in achieving sustainable development.

- 11.2 It is acknowledged that the development would result in homes that would overall be smaller than nationally prescribed standards but would largely meet current local guidance. Furthermore, the development of the site would result in the loss of open space which is likely to have been used by some residents informally and there will be a loss of green character to the site and some biodiversity overall which cannot be mitigated against for viability reasons.

- 11.3 In favour of the application, the site is currently allocated for housing in the Doncaster UDP and lies within an area that is promoted for housing in the Core Strategy. As such, the scheme would contribute to meeting the Borough's housing need and thereby facilitate the government's aim of boosting significantly the supply of housing. In addition, the development would directly contribute towards affordable housing supply for the Borough and would address an identified shortfall in housing stock in the local area. As such, the provision of 41 affordable dwellings to the area would be a benefit of the scheme.

- 11.4 Turning then to the overall planning balance. The social and economic benefits of the scheme are together considerable. The need for new affordable housing in the Borough and more widely, nationally, is undisputed and infill sites within existing residential areas are expected to take priority over greenfield sites. The homes would be delivered speedily on land in partnership with the applicant and Doncaster Council.

- 11.5 To enable the site to be developed to its full potential, the loss of part of the informal open space and some trees on the site is unavoidable. The harm would be contained by mitigation measures and offset by an ecological and landscaping package that would include the linked area to be managed for the future and improve upon its current compromised condition. In my view, and having regard to the site specific surveys of the site, this loss would be clearly overcome by the social and economic benefits of delivering a well designed and substantial number of new affordable homes to the area.

- 11.6 Taking all matters into consideration, the benefits of allowing this development would significantly and demonstrably outweigh its adverse impacts. It would amount to sustainable development, bringing wider sustainability benefits to the community.

## 12.0 RECOMMENDATION

### 12.1 Planning permission be granted subject to a Section 106 Agreement that secures the affordable housing provision and subject to the conditions set out below.

#### Conditions / Reasons

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

#### REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Dwg. No. 16813/02 Location Plan received 17 December 2019

Drainage Investigation Report received 17 December 2019

Extended Habitat Survey received 17 December 2019

Extended Habitat Survey updated March 2020 received 31 March 2020

Flood Risk Assessment Part 1 received 29 April 2020

Flood Risk Assessment Part 2 received 29 April 2020

Flood Risk Assessment Part 3 received 29 April 2020

Dwg. No. 42254/001 Preliminary Drainage Layout Revision E received 21 February 2020

Arboricultural Assessment Report (Ver 6) received 17 March 2020

Dwg. No. 16813/16 Site A Proposed Site Layout Revision C received 21 February 2020

Dwg. No. 16813/18 Site A Proposed Site Layout Revision P received 21 February 2020

Dwg. No. R/2204/1B Landscaping Masterplan Site A - Revision B received 21 February 2020

Dwg. No. 16813/19 Link Area Proposed Site Layout Revision G received 21 February 2020

Dwg. No. R/2204/1B Landscaping Masterplan Link Area Revision B received 21 February 2020

Dwg. No. 16813/17 Site B Proposed Black Plan Revision C received 21 February 2020

Dwg. No. R/2204/3B Landscaping Masterplan Site B - Revision B received 21 February 2020

Dwg. No. 16813/20 Site B Proposed Site Layout Revision P received 03 April 2020

Dwg. No. 16813/21 House Types A / A.1 / A.2 / A.3 / B with furniture layouts Revision B received 21 February 2020

Dwg. No. 16813/22 House Types C / C.1 / C.2 / D / E with furniture layouts Revision B received 21 February 2020

Dwg. No. 16813/23 Block Type A & B Plans, Sections and Elevations  
Revision C received 21 February 2020

Dwg. No. 16813/28 Block Type L Plans, Sections and Elevations  
Revision C received 21 February 2020

Dwg. No. 16813/24 Block Type D and D.1 Plans, Sections and  
Elevations Revision C received 21 February 2020

Dwg. No. 16813/25 Block Type E and F Plans, Sections and  
Elevations Revision C received 21 February 2020

Dwg. No. 16813/26 Block Type G and H Plans, Sections and  
Elevations Revision C received 21 February 2020

Dwg. No. 16813/27 Block Type J and K Plans, Sections and  
Elevations Revision C received 21 February 2020

#### REASON

To ensure that the development is carried out in accordance with the application as approved.

#### REASON

To ensure that the development is carried out in accordance with the application as approved.

03. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

#### REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin in accordance with Policy CS4 of the Core Strategy.

04. No development shall take place until an Ecological Enhancement and Management Plan (EEMP) has been submitted to and approved in writing by the LPA. The EEMP shall include details of mitigation and enhancement works as proposed in the Extended Habitat Survey Phase 1 report dated March 2020, together with details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. Thereafter the works shall be carried out and maintained in accordance with the EEMP prior to the occupation of any dwelling unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To mitigate against the loss of biodiversity on the site in accordance with Policy CS16 of the Core Strategy. The condition is required to be a pre-commencement condition in order to protect and preserve ecological interests on the site prior to site works taking place.

05. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to the local planning authority for approval in writing and then implemented in accordance with the approved details. The Construction Environmental Management Plan shall include:

- i) A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.
- ii) A method statement for the protection of fauna that may be encountered on site.
- iii) The use of protective fencing, exclusion barriers and wildlife safety measures.

All of these are to be based on measures detailed in the Extended Habitat Survey Phase 1 report dated March 2020,

#### REASON

To ensure the ecological interests of the site are maintained in accordance with Policy CS16 of the Core Strategy. The condition is required to be a pre-commencement condition in order to protect and preserve ecological interests on the site prior to site works taking place.

06. No development approved by this permission shall be commenced prior to a Phase 2 site investigation and risk assessment, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

b) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

c) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been

identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

d) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

#### REASON

To secure the satisfactory development of the site in terms of human health and the wider environment pursuant to Policy CS18 of the Core Strategy.

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be demolition works or construction works and remediation in place before works begin.

07. No phase of development shall commence until Construction Traffic Management Plan (CTMP) for that phase of development is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout the construction phase. The CTMP shall contain information relating to (but shall not be limited to):

- o Volumes and types of construction vehicles
- o identification of delivery routes;
- o identification of agreed access point
- o Contractors method for controlling construction traffic and adherence to routes
- o Size, route and numbers of abnormal loads (if applicable)
- o Swept path analysis (as required)
- o Construction Period
- o Temporary signage
- o Measures to control mud and dust being transferred to the public highway
- o Timing of deliveries

#### REASON

To ensure that highway safety is protected during the construction phase as required by Policy CS14 of the Core Strategy. The condition is required to be a pre-commencement condition in order to have a plan in place on how highway safety will be protected during the construction phase.

08. The development shall be carried out in accordance with the submitted flood risk assessment (ref. Eastwood and Partners, Issue 4, 3rd April 2020) and the following mitigation measures it details:

- o Two storey dwellings shall have finished floor levels set no lower than 3.6 metres above Ordnance Datum (mAOD).
- o Two storey dwellings with a finished floor level below 4.1mAOD shall have a finished floor level set 300mm above the existing ground level.
- o Two storey dwellings with a finished floor level below 4.1mAOD shall be constructed with 600mm of flood resilience measures.
- o One storey dwellings (bungalows) shall have finished floor levels set no lower than 4.4mAOD.
- o There shall be no ground floor sleeping in properties where the finished ground floor levels are below 4.4mAOD.
- o The pumping station shall have a finished floor level set no lower than 4.4mAOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

#### Reasons

To reduce the risk of flooding to the proposed development and future occupants and to protect the pumping station from flooding in accordance with Policy CS4 of the Core Strategy.

09. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control noise and the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

#### REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety as required by Policy CS14 of the Core Strategy. The condition is required to be a pre-commencement condition in order to have a plan in place on how neighbouring amenity will be protected during the construction phase.

10. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

11. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

12. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

13. Details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. No dwellings shall not be occupied until the approved electric vehicle charging provision has been installed and is operational. Following installation the electric vehicle charging provision shall be retained for the lifetime of the development.

REASON

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with Policies CS9 and CS18 of the Core Strategy.

14. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

15. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.  
REASON  
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

16. Before the development is brought into use, the sight lines as shown on the approved plan shall be rendered effective by removing or reducing the height of anything existing on the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing with the local planning authority.  
REASON  
In the interests of road safety and to provide and maintain adequate visibility.

17. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works
- The timetable for completion of all site investigation and post-investigation works.

#### Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

#### REASON

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Policy CS15 of the Core Strategy.



## Informatives

01.           INFORMATIVE  
The applicant should take into account advice received from the Council's Drainage Officer which can be viewed on the Council's Public Access website.

02.           INFORMATIVE  
Prior to preparing any reports in support of conditions relating to land contamination, the applicant is strongly advised to refer to the document entitled Development on land affected by contamination. Technical Guidance for Developers, Landowners and Consultants. Yorkshire and Humberside Pollution Advisory Council.

The document can be found at the following web address:

<http://www.doncaster.gov.uk/services/environmental/developing-on-contaminated-land>

Or alternatively you can request a paper copy from the LPA.

03.           INFORMATIVE  
Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: [p.evans@doncaster.gov.uk](mailto:p.evans@doncaster.gov.uk) or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097

or e-mail Fiona.Horgan@doncaster.gov.uk as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 11.2 - 11.5 inc. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.

The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.

04.

#### INFORMATIVE

Birds may be nesting in trees and shrubs proposed for removal. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal should be timed therefore to avoid the nesting season (March to August inclusive). Where this is not possible measures must be taken to ensure any nesting birds on site are identified and protected.

### Justification

#### STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Ecology  
Trees  
Archeology  
Character of the area  
Flooding  
Open space

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**

# Appendices

## Appendix 1 – Location Plan





# Appendix 3 (Site Plan – Site B)

**NOTES**

**PROTECTION OF EXISTING VEGETATION**

Existing vegetation to be retained on site shall be protected where necessary during works by a tree protection barrier, secured on a suitable footing, to prevent any damage done to the soil, prevent any landing or to spread on the canopy of the tree where possible. Certified, experienced arborists shall be consulted prior to any work being carried out in the areas PROTECTED TREE ZONE. NO STORAGE OR OPERATIONS SHOULD BE UNDERTAKEN.

Timing of works, storage of materials and building materials shall not be carried out in the protected area, unless it can be removed immediately and the contaminated materials be buried in the depth of the canopy or any other means that ensure that the canopy remains protected. The development shall be subject to BS 5822:2015.

**TREE PLANTING**

Tree planting to the front gardens of selected sites shall be to break up the front line of the buildings and create focal points into the development. The trees should be selected in accordance with the local and wider council for sites and inventories. Trees shall be planted at a range of sizes from standard to mature plants providing a mix of tree ages and resources of interest. Trees to be planted shall be in accordance with the following list of tree species to be selected from:

Acer campestre (Sweetheart) (A1), Cordus alliodora (Sweetgum) (C2)  
Acer pennsylvanicum (Red Maple) (A1), Ficus sylvatica (Oak) (C2)  
Alder (Alder) (A1), Sorbus (Sorbus) (A1)

**SHRUB PLANTING**

A mix of evergreen and deciduous shrubs shall be planted in selected front gardens to soften the development and to provide a mid-size scale screen for privacy and boundaries. A mix of evergreen shrubs shall be selected in selected back gardens to provide a mid-size scale screen for privacy and boundaries.

Suggested species, but not exhaustive: ( $\varnothing$  denotes trunk diameter)  
Berberis canaliculata (A1), Berberis thunbergii (A1), Buxus sempervirens (C1), Camellia japonica (A1), Cydonia oblonga (A1), Euonymus japonicus (A1), Gardenia (A1), Lonicera (A1), Magnolia (A1), Nandina (A1), Prunella (A1), Pyracantha (A1), Rhamnus (A1), Viburnum (A1), Weigela (A1), Yucca (A1), Zantedha (A1)

**PUBLIC OPEN SPACE**

The public open space shall be designed as an informal recreation area within the development to provide a mid-size scale screen for privacy and boundaries. The public open space shall be designed to provide a mid-size scale screen for privacy and boundaries. The public open space shall be designed to provide a mid-size scale screen for privacy and boundaries.

**KEY**

- Existing trees, hedges and vegetation to be retained (with SPA in orange).
- Existing trees, hedges and vegetation to be removed.
- Proposed extra heavy standard (10-15cm girth) tree
- Proposed heavy standard (12-14cm girth) tree
- Proposed selected standard (10-12cm girth) tree
- Proposed standard (8-10cm girth) tree
- Proposed sensitive shrub mix
- Proposed mixed native species shrub planting
- Proposed mixed native species tree & shrub planting
- Proposed ornamental shrub planting
- Proposed turf
- Rear gardens
- Proposed amenity grass seed
- Proposed swardover grass seed
- Proposed 1800mm high timber fence with concrete posts (detailed by others)
- Proposed 1800mm high timber fence with concrete posts (detailed by others)
- Proposed 900mm high decorative galvanneal metal railings (detailed by others)
- Proposed 1800mm high decorative galvanneal metal railings (detailed by others)
- Proposed 1800mm high brick walls (detailed by others)
- Proposed wildlife habitat boxes (from left to right: 6hr Bat boxes (Schwegler 2014) and 6hr bat boxes (Urban Pro WoodSonn - House Sparrow) in red box).

**NOTES TO BE READ IN RELATION TO DRAWING R-2204-1B LANDSCAPE MASTERPLAN - SITE A AND R-2204-2B LANDSCAPE MASTERPLAN - LINK AREA.**

Rev'd Layout updated in Rev'd with Proposed Rev'd Layout Rev'd (2014) Feb 20  
Rev'd Layout updated in Rev'd with Proposed Rev'd Layout Rev'd (2014) Feb 20

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**Gas Governor**

**SSB Architecture**

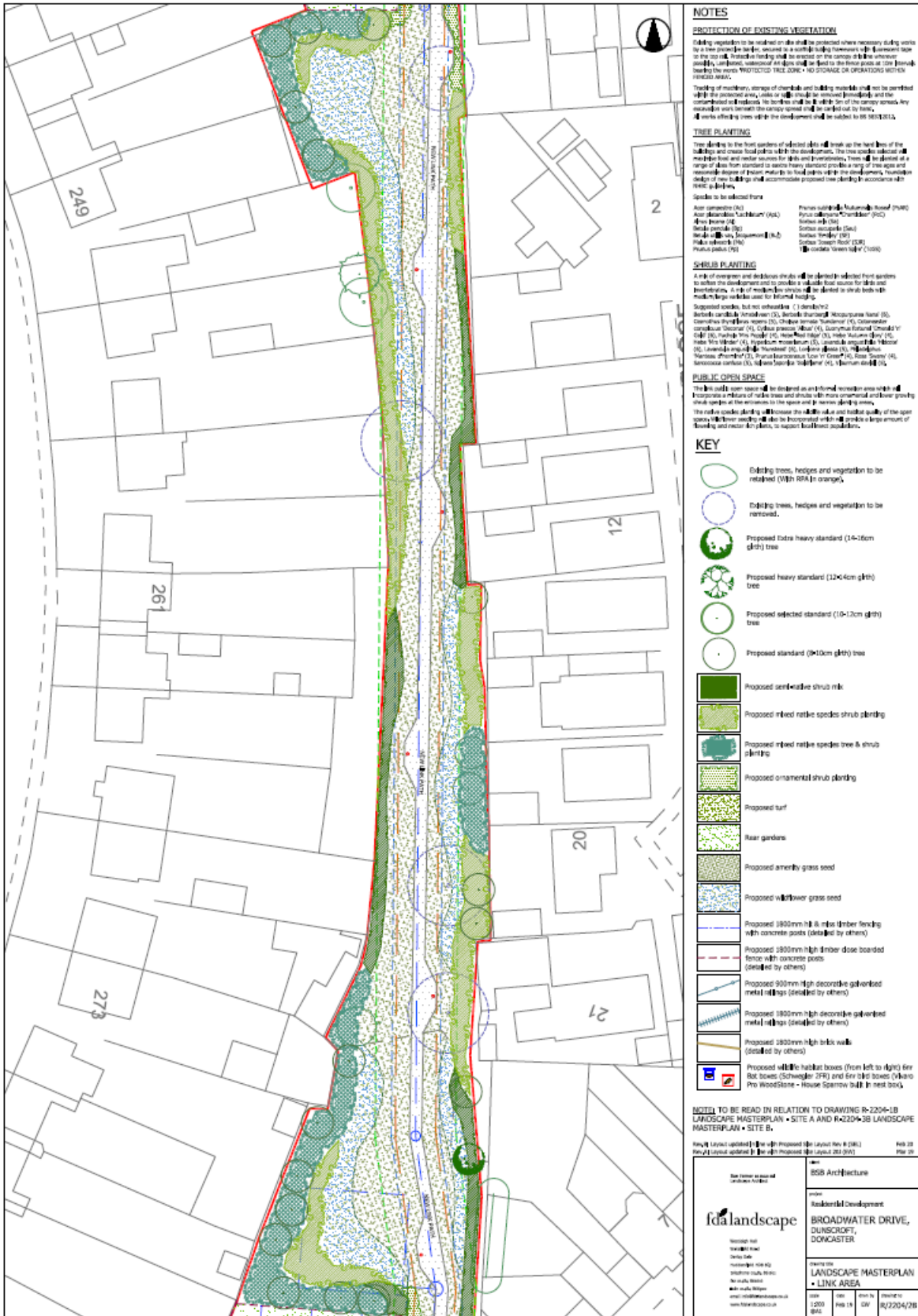
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Residential Development  
BROADWATER DRIVE,  
DUNSCROFT,  
DONCASTER

LANDSCAPE MASTERPLAN  
• SITE B

Scale: 1:200  
Date: Feb 14  
Rev'd: 01  
Rev'd: 02

# Appendix 4 (Site Plan – Linked Area)



**NOTES**

**PROTECTION OF EXISTING VEGETATION**

Existing vegetation to be retained or to be protected where necessary during works to a new structure, should be marked with a north facing arrow and a minimum 100mm gap to the top rail. Protection fencing shall be erected on the canopy of trees wherever possible, and where necessary an 800mm gap shall be left to the ground plane at the base of the tree. The words 'PROTECTED TREE ZONE - NO STORAGE OR OPERATIONS WITHIN PROTECTED AREA'.

Height of existing trees and building materials shall not be confined within the protected area, unless or where it should be removed. Foundations and the contained soil levels. Its location shall be marked with a north facing arrow. Any material work within the protected area shall be subject to BS 5823:2012.

**TREE PLANTING**

Tree planting to the front gardens of selected plots shall break up the front lines of the buildings and create focal points within the development. The tree species selected shall be native and native species for plots and innovations. Trees shall be planted at a range of sizes from standard to extra heavy standard provide a range of tree ages and maximum degree of future value to the development. The development. The planting design of new buildings shall accommodate proposed tree planting in accordance with BS 5823:2012.

Species to be selected from:

Acer campestre (A1)	Prunus serotina (P1)	Malus domestica (M1)	Prunus domestica (P2)
Acer glabrum (A2)	Prunus domestica (P3)	Prunus domestica (P4)	Prunus domestica (P5)
Acer platanoides (A3)	Prunus domestica (P6)	Prunus domestica (P7)	Prunus domestica (P8)
Acer pseudoplatanus (A4)	Prunus domestica (P9)	Prunus domestica (P10)	Prunus domestica (P11)
Acer rubrum (A5)	Prunus domestica (P12)	Prunus domestica (P13)	Prunus domestica (P14)
Acer spicatum (A6)	Prunus domestica (P15)	Prunus domestica (P16)	Prunus domestica (P17)
Acer sycamore (A7)	Prunus domestica (P18)	Prunus domestica (P19)	Prunus domestica (P20)
Acer truncatum (A8)	Prunus domestica (P21)	Prunus domestica (P22)	Prunus domestica (P23)
Acer xylocarpum (A9)	Prunus domestica (P24)	Prunus domestica (P25)	Prunus domestica (P26)
Acer zosterifolium (A10)	Prunus domestica (P27)	Prunus domestica (P28)	Prunus domestica (P29)
Acer (A11)	Prunus domestica (P30)	Prunus domestica (P31)	Prunus domestica (P32)

**SHRUB PLANTING**

A mix of evergreen and deciduous shrubs shall be planted in selected front gardens to soften the development and to provide a valuable source for birds and invertebrates. A mix of native species shall be planted in shrub beds with maximum value for use for birds and invertebrates.

Suggested species, but not exhaustive (1 density):

- Artemisia vulgaris (A1)
- Betula pendula (B1)
- Betula pubescens (B2)
- Betula nana (B3)
- Betula alba (B4)
- Betula pubescens (B5)
- Betula pubescens (B6)
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- Betula pubescens (B98)
- Betula pubescens (B99)
- Betula pubescens (B100)

**PUBLIC OPEN SPACE**

The site shall be designed as an informal recreation area which shall incorporate a mix of native trees and shrubs with more ornamental and lower growing shrub species in the recreation to the open and in some planting areas. The native species planting shall be incorporated within the large amount of planting and near to the site, to support the local biodiversity.

**KEY**

- Existing trees, hedges and vegetation to be retained (with RPA in orange)
- Existing trees, hedges and vegetation to be removed
- Proposed extra heavy standard (14-16m girth) tree
- Proposed heavy standard (12-14m girth) tree
- Proposed selected standard (10-12m girth) tree
- Proposed standard (8-10m girth) tree
- Proposed semi-evergreen shrub mix
- Proposed mixed native species shrub planting
- Proposed mixed native species tree & shrub planting
- Proposed ornamental shrub planting
- Proposed turf
- Rear gardens
- Proposed amenity grass seed
- Proposed winter grass seed
- Proposed 1800mm high timber fencing with concrete posts (detail by others)
- Proposed 1800mm high timber close boarded fence with concrete posts (detail by others)
- Proposed 900mm high decorative galvanized metal railings (detail by others)
- Proposed 1800mm high decorative galvanized metal railings (detail by others)
- Proposed 1800mm high brick walls (detail by others)
- Proposed white habitat boxes (from left to right) for: Bat boxes (Schwegler 2FR) and for bird boxes (Kleins Pro WoodStone - House Sparrow built in nest box)

**NOTE TO BE READ IN RELATION TO DRAWING R-2204-1B LANDSCAPE MASTERPLAN - SITE A AND R-2204-3B LANDSCAPE MASTERPLAN - SITE B.**

Rev A Layout updated: Rev B Proposed Site Layout Rev C (RPA) Feb 23  
Rev D Layout updated: Rev E Proposed Site Layout Rev F (RPA) Feb 23

<p>Site Name: Broadwater Drive</p> <p>Client: BSB Architecture</p> <p>Project: Residential Development</p> <p>Location: Broadwater Drive, Duncroft, Doncaster</p> <p>Project Name: LANDSCAPE MASTERPLAN - LINK AREA</p> <p>Scale: 1:200</p> <p>Date: Feb 18</p> <p>Drawn by: GW</p> <p>Checked by: RZ/2204/2B</p>	<p>BSB Architecture</p> <p>Project: Residential Development</p> <p>BROADWATER DRIVE, DUNCROFT, DONCASTER</p> <p>LANDSCAPE MASTERPLAN - LINK AREA</p> <p>Scale: 1:200</p> <p>Date: Feb 18</p> <p>Drawn by: GW</p> <p>Checked by: RZ/2204/2B</p>
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<b>Application</b>	<b>2.</b>
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<b>Application Number:</b>	20/00580/FUL
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Change of use from dwelling house (C3) to house in multiple occupation (C4), and retrospective planning application for a single storey rear extension and single storey rear/side extension.
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<b>At:</b>	13 Stanhope Road, Wheatley, Doncaster, DN1 2TZ
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<b>For:</b>	Mr Jamie Knott
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<b>Third Party Reps:</b>	None	<b>Parish:</b>	N/A
		<b>Ward:</b>	Town

<b>Author of Report:</b>	Jessica Duffield
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## SUMMARY

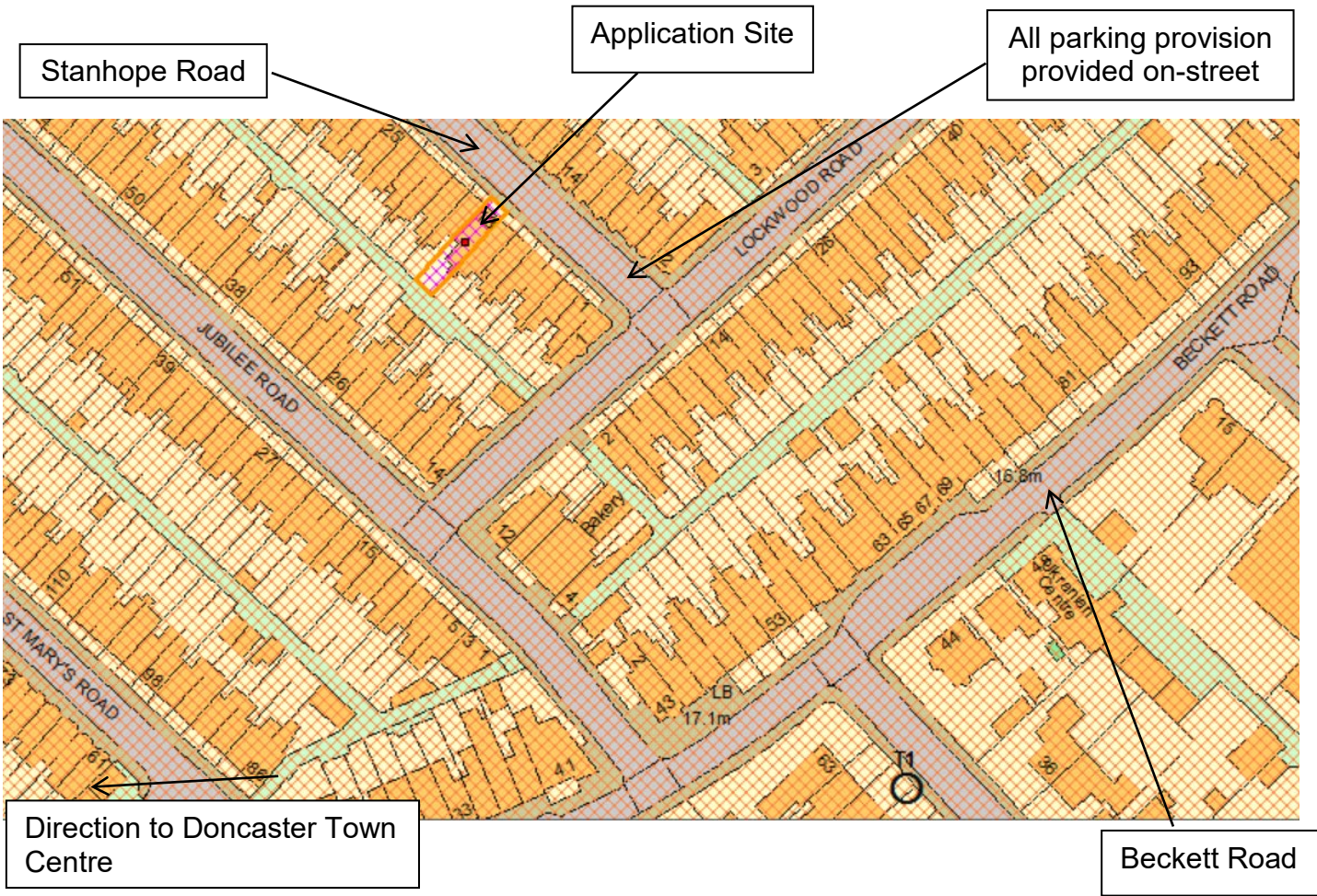
The application relates to a proposed House of Multiple Occupation (HMO) within the Article 4 Direction area. The Article 4 Direction was brought into force on the 14<sup>th</sup> October 2019. The order removes permitted development rights comprising change of use from a use falling within Class C3 (dwelling houses) to a use falling within Class C4 (houses in multiple occupation).

The proposed internal changes, to facilitate the HMO have already been completed, including the rear extensions. However the property is yet to be occupied and operational as a HMO Use.

The application proposal has not received any neighbour responses and has been amended to satisfy the previous consultee objections.

This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties, trees, the highway network or the character of the area.

**RECCOMENDATION: GRANT planning permission subject to conditions**





## **1.0 Reason for Report**

- 1.1 This application is being presented to planning committee at the request of Councillor Tosh McDonald, due to concerns over the proliferation of HMO's in the area.

## **2.0 Proposal**

- 2.1 Planning permission is sought for the change of use of a 2 bedroom dwelling house (Use Class C3) to a 4 bedroom HMO (Use Class C4).
- 2.2 No external alterations are proposed to the front elevation of the property. However, two small single storey extensions have been erected to the rear of the property to facilitate an additional downstairs bathroom and a utility room. All the bedrooms will be provided over the existing two floors.
- 2.3 The applicant he confirmed that he was unaware of the Article 4 Direction which came into force in October 2019. Hence why the works have already been completed and the application is retrospective. The property has not operated as a HMO. Generally the interior works have been provided to a good quality, and provides a high standard of accommodation as shown in the photos at Appendix 3.
- 2.4 All the parking provision on Stanhope Road is provided on street. The proposal does not include dedicated parking spaces for occupiers. The agent has confirmed that the property will clearly be marketed as having no parking spaces and that no parking is provided as part of the accommodation.

## **3.0 Site Description**

- 3.1 Stanhope Road has a uniform character, consisting of two storey, terrace housing. The majority of the properties are red brick, although a small number have rendered the front of the property, adding variety to the appearance of the street. All of the properties have bay-windows to the front, at the ground floor level. A small minority of the dwellings have extended up into the roof space.
- 3.2 All the properties on the western side of Stanhope Road have small courtyard gardens to the front, many of which are used for bin storage. Whereas, the properties on the eastern side are positioned fronting onto the footpath.
- 3.3 Stanhope Road joins onto Church Way (A630) but access to Church Way is restricted for pedestrian access only. Vehicles can only access the street via Cranbrook Road, Lowther Road or Lockwood Road.
- 3.4 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at and is of low risk of flooding.

## **4.0 Relevant Planning History**

- 4.1 The site has no relevant planning history

## **5.0 Site Allocation**

- 5.1 The site is allocated as Residential Policy Area as defined by the <sup>Page 47</sup>Doncaster Unitary Development Plan (Proposals Map) 1998. The following policies are applicable:

## **5.2 National Planning Policy Framework (NPPF 2019)**

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.5 Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.6 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

## **5.7 Core Strategy 2011 – 2028**

- 5.8 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.9 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.10 Policy CS1 relates to the quality of accommodation and development within Doncaster. It makes it clear that development must protect local amenity, as well as being well-designed; fit for purpose and capable of achieving the nationally recognised design standards.

5.11 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

#### **5.12 Saved Unitary Development Plan Policies (Adopted 1998)**

5.13 Policy PH11 states that within residential policy areas development for housing will normally be permitted subject to the density and form being appropriate to the character of the area, the effects of the development on the amenities of occupiers of neighbouring properties.

#### **5.14 Local Plan**

5.15 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan has been approved at Full Council on the 25th July 2019 and Regulation 19 Publication is now complete.

5.16 Paragraph 48 of the NPPF allows LPA's to give weight to relevant policies in emerging plans depending on the stage of preparation, the extent to which there are any unresolved issues and the degree of consistency with the NPPF. The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The Council is aiming to adopt the Local Plan by winter 2020 and it has previously been afforded limited weight and the following policies would be appropriate:

5.17 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections.

5.18 Policy 10 deals specifically with HMOs and how they will be supported under strict circumstances. However this policy can only be afforded limited weight at this stage, due to the number of objections to the wording of the policy. The criteria of this policy is set out later in the report.

5.19 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map and is afforded substantial weight.

5.20 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy can be applied limited weight due to outstanding objections.

5.21 Policy 43 deals with the need for good urban design. This policy can now be applied with moderate weight.

5.22 Policy 48 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime. This policy is afforded substantial weight.

### **5.23 Other Material Planning Considerations**

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance
- South Yorkshire Residential Design Guide (SYRDG)

### **6.0 Representations**

6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notice, advertisement in the Doncaster Star and direct neighbour notification letters.

6.2 No representations have been received in response to the application publicity.

### **7.0 Parish Council**

7.1 No parish council exists for this area.

### **8.0 Relevant Consultations**

8.1 **Environmental Health** – Originally objected to the proposal based on the following reasons:

- Ground Floor bedroom could only be accessed via the kitchen, which is considered to be a fire risk.
- Ground Floor bedroom had no external window, which is considered to offer a poor quality of living accommodation.
- All the bedrooms were below the 10sqm threshold which is recommended in order to obtain a HMO License from Doncaster Council.
- There was no additional shared living space apart from the kitchen/ utility area which did not provide sufficient dining space.
- Additional door required to differentiate between the hallway and kitchen, which was required for fire risk reasons.

Following amendments the Environmental Health Officer is now satisfied with the proposal.

8.2 **Waste and Recycling** - No objection

8.3 **Area Manager** – No response received

8.4 **Police Architectural Liaison Officer** – No response received

8.5 **Local Plan Housing**- The specific UDP HMO policy (PH15) was superseded with the now adopted Core Strategy Policy CS12 (Housing Mix) which does not mention HMO's specifically.

The Local Plan policy as submitted (Policy 10, HMOs) has very specific considerations. However, this currently carries 'limited weight' as there were

objections received at Regulation 19 stage. There are suggested changes to the policy now in the time of Examination. As such the policy wording cannot be applied significant weight at this time and the application cannot be refused on this basis.

## 9.0 Assessment

9.1 The principal issues for consideration under this application are as follows:

- Principle of Development
- Space Standards
- Impact upon Neighbouring Properties
- Location
- Concentration of HMO's in the area
- Landscape
- Heritage
- Highways

9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- *Substantial*
- *Considerable*
- *Significant*
- *Moderate*
- *Modest*
- *Limited*
- *Little or no*

### Principle of Development

9.3 The application site is washed over by Residential Policy Area and as such Doncaster UDP Policy PH 11 supports residential development in principle, providing that it does not adversely affect the character of the area or detrimentally affect neighbouring properties through for example excessive overshadowing, over dominance or loss of privacy.

9.4 In light of the policy designation set out above, the principal of the change of use to form a 4 bedroom HMO is considered acceptable. No objections or representations have been raised by local neighbours or Local Ward Councillors in response to the application publicity.

9.5 The site is located within the Article 4 Direction area which removes the permitted development right to change the use of C3 dwelling houses to C4 HMO's without the need for planning permission.

9.6 The Article 4 Direction does not ultimately result in all C4 HMO's being refused. However, it does mean the design and position of the proposed HMO can be scrutinised by the LPA in further detail.

9.7 It is noted that Councillor McDonald has called this application in to committee due to concerns relating to the proliferation of HMO's in the area which is in conflict with the Emerging Local Plan Policy 11. This is discussed further in Paragraph 9.41.

- 9.8 Emerging Local Plan Policy 10 provides a detailed criteria relating to the position of proposed HMOs. However, at this stage, Policy 10 can only be afforded limited weight due to the number of objections. Therefore, this policy is not the main policy consideration. The application must be assessed under the adopted development plan which then relates to Policy PH11 of the UDP.

### Sustainability

- 9.9 The National Planning Policy Framework (NPPF, 2019) sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.10 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 9.11 **SOCIAL SUSTAINABILITY**
- 9.12 **Space Standards**
- 9.13 As referred to above, the applicant has already undertaken the majority of the works to facilitate the change the use of the property. Through the determination process the applicant has confirmed that he was unaware of the Article 4 Direction which had come into force while he was undertaking the works, and was also unaware of the Licensing Guidance relating to space standards.
- 9.14 Page 27 of the adopted Doncaster Council Development Guidance and Requirements SPD (2015) states: *'In order to protect the living conditions and well-being of future occupants, applications for residential development must demonstrate how the proposed accommodation is functionally fit for purpose and has been designed to meet the specific needs of the occupants. It should demonstrate how the accommodation is large enough to provide sufficient space for privacy, socialising, studying, cooking, dining, sleeping, washing and storage of household goods and belongings.'*
- 9.15 It follows on to state that the overall internal floor-space must be sufficient and that the size of individual rooms are large enough for the intended purpose. The size of amenity space must also be sufficient for the number of occupiers.
- 9.16 The National Space Standards only outlines the minimum standards for self-contained properties. As this application relates to a HMO with shared facilities, this guidance cannot be used as a marker for room sizes.
- 9.17 The Housing Act 2004 outlines the legal minimum individual room size for one person as 6.51 square metres. However, in order to obtain a HMO License, the Council encourages bedroom sizes of at least 10 square metres.
- 9.18 The Council Licensing Team will be lenient on the 10sqm threshold, where there is considered to be suitable additional shared living space proposed within the property, and an overall greater quality of accommodation.

- 9.19 The initial application submission, proposed a change of use to provide 5 en-suite single bedrooms. However, all of these bedrooms were below the 10sqm threshold, and ranged between 8.96 to 9.25sqm (excluding the en-suite bathroom).
- 9.20 In terms of obtaining the relevant license, the Environmental Health Officer and Licensing Team together confirmed that based on the proposed bedroom sizes, the applicant would be unable to qualify for the license. This is also reinforced by the fact that the original design included no shared living space apart from the kitchen/utility area, with limited dining facilities.
- 9.21 In order to overcome the Environmental Health and Licensing objection, the internal layout has been amended. The ground floor bedroom (former bedroom 2) has been revised so that it provides an additional shared living space, for future tenants to socialise and interact.
- 9.22 The Environmental Health Officer has confirmed that based on the revised layout, the applicant would be able to obtain the HMO License and the space standards are satisfactory for the proposed use. Whilst the size of the proposed bedrooms remain on the smaller side, the shared kitchen, dining and living space encourages tenants, to mix and interact, which contributes to social and healthy wellbeing. As such the overall size and layout of the property is considered to be suitable for the proposed use. Thus the proposal weighs positively in terms of the internal space and carries significant weight.

### **9.23 Impact Upon Residential Amenity**

- 9.24 Adopted Policy PH11 states that residential development will be permitted in residential policy areas whereby it does not detrimentally affect the amenities of occupiers of nearby properties.
- 9.25 The application site is bordered by existing residential development in all directions. The only external alterations proposed relate to the two retrospective single storey extensions to the rear of the existing property.
- 9.26 The extension to the rear of the property provides a ground floor W/C and an additional means of escape in the event of a fire. The window serving this extension will be a small, obscured glazed window on the rear elevation. Given that this serves a bathroom, and its position on the ground floor, this will not harm adjacent residential amenity.
- 9.27 Similarly, the extension of the side/rear elevations of the property does not include any windows, and is simply an extension to the existing kitchen. This will provide an additional access into the garden to the rear. The extension has already been completed and has been built up to the boundary shared with No. 15 Stanhope Road. However, no representation has been received from the occupiers of this property. Whilst extensions built up to the boundary would not normally be encouraged, given the scale of the extension, measuring 3.28m x 1.48m, it is not considered to cause harmful overshadowing.
- 9.28 The remaining windows to the rear and front of the property, which serve bedrooms 2, 3 and 4 will be positioned as existing. This is not considered to impact residential amenity.

- 9.29 The property provides a small, easy to maintain courtyard to the rear, for the future tenants, which measures to approximately 28.8sqm. Whilst the courtyard garden is small, it does provide tenants with an outdoor space to socialise and interact. The access to outdoor space encourages social and healthy wellbeing and as such the inclusion of the courtyard is welcomed.
- 9.30 The garden has a secure gated access, onto the public footpath to the rear of the Stanhope Road. The refuse bins are to be stored out of view, in the rear garden, rather than on the street.
- 9.31 The applicant has provided a new wooden fencing, on top of the existing brick wall, on the boundary between the application site and No. 15 Stanhope Road. This ensures privacy is maintained while using the rear garden.

### **9.32 Conclusion on Social Impacts.**

- 9.33 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.34 In conclusion the property provides adequate internal space standards, and meets the criteria in terms of obtaining the relevant HMO License from Doncaster Council. The shared living space, as well as the access to outdoor area, encourages social interaction and is considered to provide a high quality of accommodation in accordance with Policy CS1.
- 9.35 It is considered that the proposal would not adversely affect neighbouring residential properties through excessive overlooking or loss of privacy. There has been no representations made by local neighbours in terms of impact upon residential amenity, or the potential impact of the HMO, which weighs in favour of the application carrying moderate weight.

### **9.36 ENVIRONMENTAL SUSTAINABILITY**

#### **9.37 Location**

- 9.38 The application site is positioned in a suitable location. The site is approximately 0.8 miles from Doncaster Town Centre and the Doncaster Transport Interchange, thus within suitable walking distance. In terms of connectivity, the application site is located approximately 160m from Beckett Road which is served by regular bus services to various destinations across the Borough.
- 9.39 Beckett Road also provides a variety of shops and local amenities within walking distance of the application site.
- 9.40 Whilst the application proposal does not provide dedicated off-street parking spaces, considering the above, the application site lies within a sustainable location close to the town centre and sustainable methods of transport. This weighs in favours of the application carrying significant weight.



## 9.41 Concentration of HMOs

9.42 The Wheatley Area is considered to be the most populated area of Doncaster in terms of HMO properties. This is mainly due to its proximity to the hospital for young doctors and nurses. The size and scale of the traditional housing in this area also means that the existing properties can easily be converted to provide multiple bedrooms.

9.43 As such, the Article 4 Direction was brought into force to cover this area, along with much of Hexthorpe, Hyde Park, Intake and Belle Vue and parts of other surrounding suburbs.

9.44 Policy 10 of the Emerging Local Plan makes it clear that proposed HMO's must not result in an over-concentration of HMOs within a community/locality/street/row, or result in a significant adverse impact to local amenities. The policy states that *'proposals must not create:*

- 1. more than two HMOs side by side;*
- 2. the sandwiching of a single self-contained house or flat between two HMOs;*
- 3. more than two HMOs within a run of twenty properties on one side of the road; or*
- 4. more than one HMO in a road of fewer than twenty properties on one side of the road.'*

9.45 Although this policy can only be afforded limited weight, it is important to highlight the housing mix along Stanhope Road, in line with adopted Policy CS12 and to address the concerns raised by Councillor McDonald. Policy CS12 states *'New housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities.'*

9.46 Using the HMO License data, provided by the Council's licensing department, we can conclude that both the adjacent properties at No. 11 Stanhope Road and No. 15 Stanhope Road are registered HMOs. The change of use of this property would not accord with Point (1) or (3) of Emerging Policy 10, as it would result in 3 HMO properties in a row.

9.47 However, the property being retained as a dwelling house is also contrary to Point (2) of Emerging Policy 10 as the property is already 'sandwiched' between two HMO properties. However the two existing HMOs (at No. 11 and No. 15) were converted from dwellings to HMOs, prior to the Article 4 Direction coming into force and prior to the submission of the Emerging Doncaster Local Plan.

9.48 In terms of the overall concentration of HMO's on Stanhope Road, excluding the application site, the street has 8 registered HMOs, out of a total of 72 addresses/properties. This equates to 11% of the registered addresses on the street currently operating as HMOs. One additional HMO on Stanhope Road is not deemed to change the overall character of the area and as such it considered suitable.

9.49 At this current time Emerging Policy 10 can only be afforded limited weight given the possibility of wording changes and as such cannot constitute as a single policy reason for refusal.

## **9.50 Landscape**

9.51 As mentioned in Paragraph 9.27 the applicant has provided a rear courtyard for future tenants. In terms of landscaping, this consists of hard landscaping only, such as paving and gravel. There is no vegetation, as the emphasis on ensuring this is maintained is difficult to enforce on tenants.

9.52 The small courtyard to the front of the property, consists of similar materials.

## **9.53 Heritage**

9.54 The proposal has no impact upon any heritage assets or Conservation Areas.

## **9.55 Highways**

9.56 The existing parking provision is provided on-street. As such, the proposal includes no dedicated parking spaces. As explained in Paragraph 9.40 the application site is in a sustainable location with good links to public transport, as well as being within walking distance to local amenities and facilities.

## **9.57 Conclusion on Environmental Issues**

9.58 Paragraph 8 (c) of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9.59 Given that the application is utilising an existing property, the impact upon Environmental issues is very limited. Only 11% of the properties on Stanhope Road currently operate as HMOs, and the additional proposed HMO is not considered to harmfully impact the character of the area or surrounding environment.

9.60 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The application site is located in a sustainable location, which is well connected and has good links to public transport and local amenities. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

## **9.61 ECONOMIC SUSTAINABILITY**

9.62 As the majority of the works, to facilitate the change of use, have already been undertaken, the economic impact, in terms of employing tradesmen and construction workers has already concluded.

9.63 When fully occupied, the property will be occupied by 4 individual tenants. The residents will most likely work and pay into the local economy. However, given the scale of the development, the benefits in terms of economic activity is limited.

## **9.64 Conclusion on Economy Issues**

- 9.65 Paragraph 8 (a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.66 The proposal would result in some economic benefit, by increasing the occupancy of the property from a 2 bedroom property to a 4 bed HMO. Though, the scale of this increase is limited. As such the proposal carried limited weight in favour of the application.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the adopted development plan and adopted policies and there are no material considerations which indicate the application should be refused.

## **11.0 RECOMMENDATION**

### **11.1 GRANT planning permission subject to conditions:**

1. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Proposed Floorplans, Plan No: AH0175-5g, Received: 14<sup>th</sup> May 2020  
Proposed Elevations, Plan No: AH0175-4c, Received, 6<sup>th</sup> May 2020

#### **REASON**

To ensure that the development is carried out in accordance with the application as approved.

#### **INFORMATIVE**

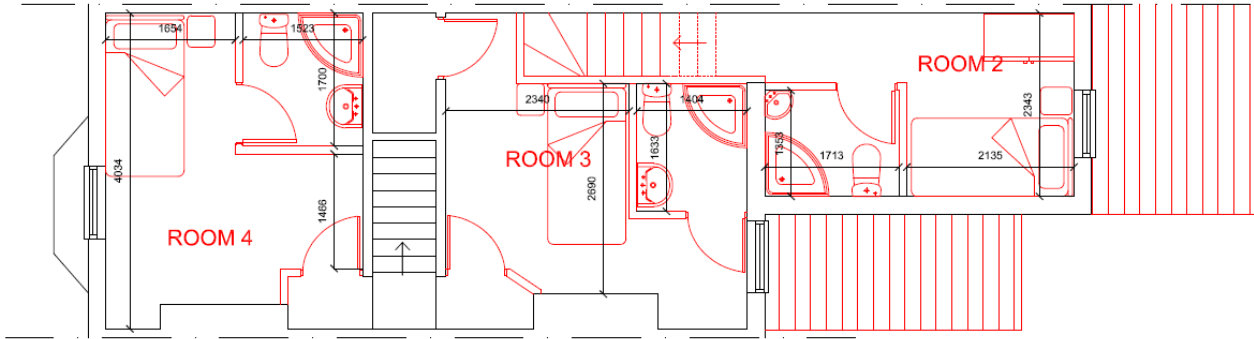
1. A HMO License must be obtained prior to occupation of the 4<sup>th</sup> tenant. As the application is in an 'Additional Licensing Area' the property will require an Additional HMO Licence. Please contact the licensing department for more information regarding submitted an application. More information can be found at the following website: <https://www.doncaster.gov.uk/services/business-investment/additional-licensing>

APPENDIX 1- Site Layout

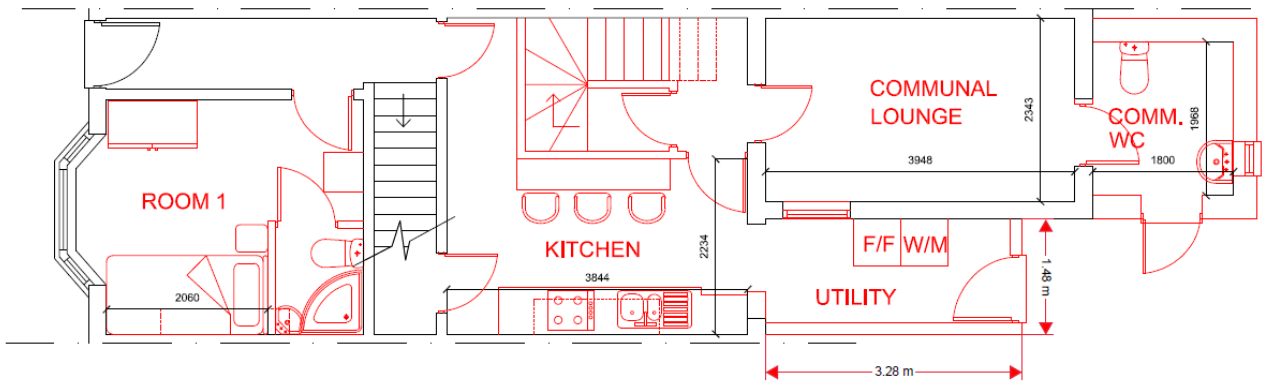


# APPENDIX 2 - Internal Layout

PROPOSED WC  
SHOWN IN RED



FIRST FLOOR PLAN



GROUND FLOORPLAN

APPENDIX 3- Internal Photo











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## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE - 21st July 2020

<b>Application</b>	3.
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<b>Application Number:</b>	20/00620/FUL	<b>Application Expiry Date:</b>	5th May 2020
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Proposed two storey infill front extension and single storey rear extension
<b>At:</b>	11 Binbrook Court Bawtry Doncaster DN10 6XE

<b>For:</b>	Mr Keir Dawson
-------------	----------------

<b>Third Party Reps:</b>	0	<b>Parish:</b>	Bawtry Town Council
		<b>Ward:</b>	Rossington And Bawtry

<b>Author of Report</b>	Bethan Gledhill
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#### SUMMARY

The proposal seeks permission for the erection of a two storey infill front extension and single storey rear extension. The proposal is submitted by the partner of an elected member and so is presented to Planning Committee. The proposal is considered an appropriate development. The proposal does not harm the character of the area, protected trees, highway safety or neighbouring amenity and is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location.

**RECOMMENDATION: GRANT planning permission**

Application Site

Protected trees within rear garden



## **1.0 Reason for Report**

- 1.1 The application is being present to the Planning Committee because it has been submitted by the partner of an elected Member.

## **2.0 Proposal**

- 2.1 The application proposes a two storey infill front extension and single storey rear extension

## **3.0 Site Description**

- 3.1 The property is a two storey, detached house located on Binbrook Close. It is finished in a red brick and has a pitched roof. The property sits within a spacious plot and is set back from the public highway.
- 3.2 The rear garden contains two trees which are subject to G3 of Doncaster Borough Council Tree Preservation Order (No.232) 1998 West Wood Estate, Bawtry. One is a Beech tree, the other, a Lime tree.
- 3.3 Surrounding properties are similar in terms of age and design. There are examples of render within Binbrook Court

## **4.0 Relevant Planning History**

- 4.1 18/00435/TPO - Consent to fully crown reduce one Lime and one Beech by 10% with a finished height and crown spread of approximately 29m tall and a crown spread of approximately 9m, while removing deadwood and epicormic growth as needed. The trees are subject to G3 of Doncaster Borough Council Tree Preservation Order (No.232) 1998 West Wood Estate, Bawtry. - Application Granted on 14.05.2018.

## **5.0 Site Allocation**

- 5.1 The site is designated as Residential Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). This is not in a high risk flood zone.

### **5.2 National Planning Policy Framework (NPPF 2019)**

- 5.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 47 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.5 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.6 Paragraphs 54 - 56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.7 Paragraph 117 states that planning decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.8 Paragraph 127 states that good design criteria should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

## **5.9 Core Strategy 2011 - 2028**

5.10 In May of 2012 the Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

5.11 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.

5.12 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

5.13 Policy CS16 relates to the natural environment and states that proposals will be supported which enhance the borough's landscape and trees by retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

#### **5.14 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)**

5.15 Policy ENV54 states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. All features which contribute to the character of the building or surrounding area should be retained.

5.16 Policy ENV59 states that in considering proposals for new development the Borough Council will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features and will require that new developments do not cause unnecessary loss of trees, nor imperil trees by building works.

#### **5.17 The Bawtry Neighbourhood Development Plan (adopted November 2019)**

5.18 Policy NE1 - Protecting Local Landscape Character, states that mature trees on sites should be protected.

#### **5.19 Local Plan**

5.20 Paragraph 48 of the NPPF allows LPA's to give weight to relevant policies in emerging plans depending on the stage of preparation, the extent to which there are any unresolved issues and the degree of consistency with the NPPF. The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The Council is aiming to adopt the Local Plan by winter 2020 and the following policies would be appropriate

5.21 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. Significant weight can be attached to this Policy.

5.22 Policy 33 deals with Woodland, Trees and Hedgerows. Significant weight can be attached to this Policy.

5.23 Policy 42 deals with Character and Local Distinctiveness (Strategic Policy). Significant weight can be attached to this Policy.

#### **5.24 Other material planning considerations:**

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SPD) (2015)

### **6.0 Representations**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of neighbour notification, and being published on the Council's website.

6.2 No third party representations have been received.

## **7.0 Parish Council**

7.1 No comments have been received from the Parish Council towards this proposal

## **8.0 Relevant Consultations**

8.1 Tree Officer - No arboricultural objections following receipt of foundation plan, conditions recommended

8.2 National Grid - Informative

8.3 Severn Trent Water - No comments received

## **9.0 Assessment**

9.1 The principle issues for consideration under this application are as follows:

- The effect of development on the amenity of existing residents, and future residents;
- Impact on the character and appearance of the area
- Trees and Landscaping
- Highway safety and traffic
- Overall planning balance

9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

## **9.3 Sustainability**

9.4 The National Planning Policy Framework (NPPF 2019) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

9.5 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

## **9.6 SOCIAL SUSTAINABILITY**



## 9.7 **Impact on Residential Amenity**

9.8 It is not considered that the proposed development would result in harm being caused to residential amenity through overlooking or overshadowing given the separation distance between the property and its neighbours.

9.9 Whilst there are two windows to be installed at first floor level on the north-western elevation of the front extension, they are to serve en-suites. En-suites are not considered to be high occupancy spaces. Thus, it is not felt that they would introduce an unacceptable level of overlooking.

9.10 The proposed rear extension is to have three windows on the rear elevation, and one window on the south-eastern elevation. Given that they are ground floor windows, it is not felt that they would cause overlooking.

## 9.11 **Conclusion on Social Impacts**

9.12 In conclusion, it is not considered that residential amenity will be adversely affected by the proposal in accordance with policy CS14. The site lies within a sustainable location. It is therefore felt that the proposal will not harmfully affect amenity which carries significant weight. The short term noise and disturbance associated with implementing the planning permission is considered to carry little weight against the proposal.

## 9.13 **ENVIRONMENTAL SUSTAINABILITY**

### 9.14 **Impact upon the character of the area**

9.15 Given the modest scale of the proposed front extension and the fact that the property is set well back from the highway, it is not considered that harm would be caused to the visual amenity of the area. In addition, its roof is to be hipped to match that of the host property.

9.16 Render is to be introduced to part of the front elevation of the property. Whilst the prevailing finishing material is red brick, there are elements of render within the street scene. Therefore, it is not considered that the use of render here, would appear incongruous.

9.17 Timber cladding is to be used in the finish of the proposed rear extension. This is considered to be acceptable as it references the Sylvan context of the trees in the garden, and the woodland to the east.

9.18 The rear extension would not cause harm to the visual amenity of the area. Whilst it is to have a flat roof, it would be modern in appearance (see proposed rear elevation in Appendix 1). It would not be visible from the public highway, and therefore, would not cause harm to the character of Binbrook Court.

### 9.19 **Impact upon Protected Trees**

9.20 The rear garden contains trees that are protected by a tree preservation order. When the application was first submitted, concern was raised about the impact that the proposed rear extension would have on the Beech and Lime trees. This was because the footprint of the single storey rear extension and the path would

encroach into the Root Protection Area (RPA) of the trees and the lower branch tips of the canopies.

9.21 The main concern from trees and hedgerows perspective is how the extension could change the relationship of the property to the trees when perceived by residents in the future. Although anecdotal, the existing site position could cause apprehension to some occupiers and the proposal, as submitted, would stand to increase this potential with the result being pressure to prune or for the removal of the trees.

9.23 A plan was submitted showing a proposed foundation layout that would preserve the existing tree root systems. The Trees and Hedgerows Officer deemed the plan acceptable. There are now no objections on arboricultural grounds subject to suitably worded conditions.

#### **9.24 Impact upon Highway Safety**

9.25 'Quality, stability, safety and security of private property, public areas and the highway' and 'permeability - ease of pedestrian movement with good access to local facilities and public transport services' are listed as qualities of a successful place within policy CS 14 (A). The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.

9.26 Highways and parking remain unaffected by the proposal. Therefore, there are no highway safety concerns

#### **9.27 Conclusion on Environmental Issues**

9.28 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9.29 In conclusion of the environmental issues, it is considered that the proposal does not harm the character of the area, highway safety or trees. As such, significant weight can be attached to this in favour of the development.

#### **9.30 ECONOMIC SUSTAINABILITY**

9.31 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.

#### **9.32 Conclusion on Economy Issues**

9.33 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at

the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

9.34 The economic benefit of the proposal is slight and afforded only limited weight.

## **10.0 PLANNING BALANCE & CONCLUSION**

10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. There would be no harmful impact upon residential amenity. The proposal does not harm the visual amenity of the area or cause amenity or tree concerns. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

## **11.0 RECOMMENDATION**

11.1 To GRANT planning permission subject to the following conditions

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

### **REASON**

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

190719 06 B - Proposed Elevations

190719 05 B - Proposed Floor Plans

190719 02 B - Proposed Site Plan

### **REASON**

To ensure that the development is carried out in accordance with the application as approved.

03. The erection of fencing and temporary ground protection for the protection of the retained trees shall be undertaken in accordance with the approved plans and particulars (Tree Constraints Plan Map dated 02/03/2020 and Phase plan within Arboricultural Method Statement Tree Survey 0195 dated 02/03/2020) before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

**REASON:** To ensure that all trees are protected from damage during construction.

04. Tree surgery work shall be carried out in accordance with the approved plans and particulars (Arboricultural Method Statement Tree Survey 0195 dated 02/03/2020 section 4.1). Best arboricultural practice shall be employed in all work, which shall comply with British Standards Specification No.3998 2010 Tree works recommendations and unless otherwise agreed with the District Planning Authority shall be completed before the development commences.

REASON: To ensure that the work is carried out to the appropriate high standard

05. Prior to commencement of the development hereby granted a system of foundation design and installation of the single storey rear extension shall be submitted to and approved in writing by the Local Planning Authority. The system shall aim to minimise ground disturbance within the Root Protection Area of the Lime and Beech tree (T332 and T333 in the submitted survey). Installation of the foundation on site shall be in full accordance with the approved scheme.

REASON

To minimise the likelihood of damage to the root system of the Beech and Lime tree and to safeguard against the possibility of damage to the single story rear extension by the root action of the tree.

01.

INFORMATIVE

Doncaster Borough Council Tree Preservation Order (No.232) 1998 West Wood Estate, Bawtry

The Beech and Lime tree to the rear of the application site is subject to G3 Doncaster Borough Council Tree Preservation Order (No.232) 1998 West Wood Estate, Bawtry. It is a criminal offence to wilfully damage a tree subject to a Tree Preservation Order. Failure to implement the above Planning Conditions which seek to protect the tree will be deemed to constitute wilful damage and may result in criminal proceedings being instigated by the council. Preventing damage to the trees is in the interests of tree health and also in the interests of safety of persons and property

02.

INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

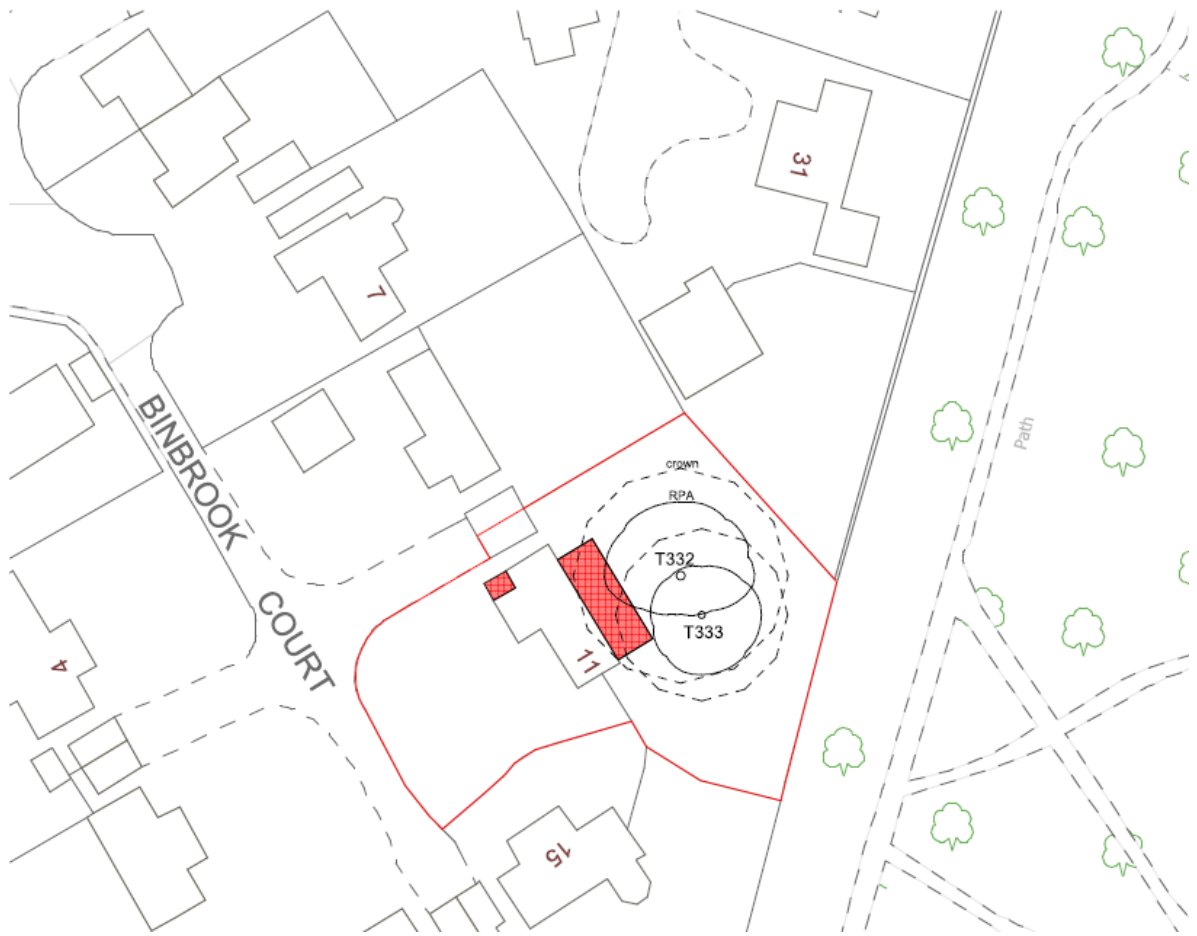
**Reasons(s) for Granting Planning Permission:**

**STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Concern was raised as regards the impact that the proposed rear extension would have upon the two protected trees within the rear garden. To this end, a plan was submitted showing a proposed foundation layout which would preserve the existing tree root systems.

APPENDIX 1 – Site Plan



**APPENDIX 2 - Proposed front and rear elevations**



E-01

Proposed Front elevation

1:100



E-03

Proposed Rear Elevation

1:100

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Doncaster  
Council

## **Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report June 2020**

### **Introduction**

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the fourth quarter of 2019/20 and the first quarter of 2020/21.

This dual quarterly report is presented at a time when the country is in lockdown due to the COVID 19 pandemic. As a result a large portion of Local Authority employees are working from home or being redeployed to undertake duties elsewhere. The current situation has had a limiting effect on Planning Investigations as site visits are not being conducted, and action will only be taken in extreme circumstances. I hope you can understand that both staff's health and wellbeing together with that of the public is of paramount importance at this time and I hope you can therefore empathise why it has not been possible for the team to progress cases as far as we would have liked.

In line with corporate requirements we are currently working on preparing suitable risk assessments/safe systems of working, so that our staff are able to undertake site visits again under very stringent controls.

On a brighter note, the Planning Enforcement Team will be welcoming a new member to the team, who was successful in gaining the recently advertised post of Trainee Principal Planning Investigation Officer, The additional member, once integrated, will bring a greater degree of flexibility to the team and hopefully, allow a swifter response to reported complaints. In addition, we are also currently recruiting for a new Senior Enforcement Officer within the team.

**Case Updates - Fourth Quarter (1<sup>st</sup> January – 31<sup>st</sup> March 2020)**

Total Cases Still Under Investigation as at end of March 2020.	186
Total Cases Recorded in the Fourth Quarter (1 <sup>st</sup> January – 31 <sup>st</sup> March 2020).	127
Total Cases Closed Down in the Third Quarter (1 <sup>st</sup> October – 31 <sup>st</sup> December 2019)	121

**Case Updates – First Quarter (1<sup>st</sup> April – 30<sup>th</sup> June 2020)**

Total Cases Still Under Investigation as at end of June 2020.	281
Total Cases Recorded in the First Quarter (1 <sup>st</sup> April – 30 <sup>th</sup> June 2020).	142
Total Cases Closed Down in the First Quarter (1 <sup>st</sup> April – 30 <sup>th</sup> June 2020)	51 (NB: reduction due to Covid 19)

**Prosecution Cases**

**18 Radiance Road – Wheatley.**





This case has been highlighted in previous quarterly reports when an enforcement notice was issued on 4<sup>th</sup> March 2019. The owner submitted a retrospective planning application to regularise the use of the land (Ref: 19/02430/FUL - Erection of fencing to enclose land for use as storage (Retrospective)). The application was subsequently refused on 11.12.2019 on the grounds that it was out of character with the surrounding area, and was concerned a poor quality development which affected the amenity of the adjacent property.

Following the refusal of the planning application, the case was prepared for a prosecution at the Magistrates' Court and the offender was fined £800.

The Planning Investigation Team has continued to work towards the remediation of the land. Progression had been made prior to the COVID-19 pandemic including the removal of the fencing and gates. Further progress will be made following a site inspection to assess any outstanding requirements of the Enforcement Notice.

## **22 Kirk Street – Hexthorpe.**





This case has been highlighted in previous Quarterly Reports regarding an unauthorised first floor extension to the rear of the property.

Planning Application 16/03066/FUL - Erection of first floor rear extension (retrospective) was refused on 03.03.2017. An Enforcement Notice issued 24.04.2017. This became effective on 02.06.2017. The Compliance period for carrying out the remedial works 02.09.2017. The planning decision was challenged by way of an appeal and the planning appeal dismissed by the inspector on 05.07.2019. A prosecution case was raised and this was initially heard in the Magistrates' Court. The land owner chose to escalate the case to the Crown Court. The offender was found guilty of not complying with the Enforcement Notice and was subsequently fined £15,000 plus costs to the Council.

This case was then taken to the High Court of Appeal. The court dismissed the appeal and the £15,000 fine was upheld.

### **9 & 10 Doncaster Road – Barnburgh.**



### **9 Doncaster Road – Barnburgh.**

A complaint was registered against 9 Doncaster Road Barnburgh, regarding an alleged unauthorised extension of domestic curtilage onto Green Belt land & the erection of wooden stables to the rear of property. An application was submitted to retain the wooden structure and change the use of the land from agricultural to domestic curtilage. The application was refused and the decision was appealed through the Planning Inspectorate, culminating in the appeal being part granted in relation to the timber out building and part refused in relation to the change of use to domestic curtilage. An Enforcement Notice was issued on the 24/10/2019 which came into effect on the 05/12/2019, the compliance period for carrying out the remedial works was 05/01/2020. However, due to non-compliance with the notice a prosecution file has been created. Unfortunately at present the case is on hold due to the COVID-19 situation.

## **10 Doncaster Road - Barnburgh.**

During the course of the above complaint it came to light that the property next door had also extended their domestic curtilage on to agricultural land without the appropriate permission. In addition, they had also erected a wooden structure. The owners were given 28 days to return the land to its original state. On failure to comply, an Enforcement Notice was issued on the 24/02/2020, which came into effect on the 20/04/2020. The compliance period for carrying out the remedial works was 10/05/2020. Unfortunately at this stage, due to the COVID-19 situation, we have been unable to confirm whether the owners have complied with the notice. If the remedial works have not be completed, then prosecution will be the next course of action.

### **Injunctions.**

#### **Land Adjacent To Balk End Farm - Mosscroft Lane – Hatfield.**

A case was registered on 1<sup>st</sup> April 2020 following reports of ongoing unauthorised works taking place on a site located off Mosscroft Lane, without planning permission. The engineering works consisted of land levelling, scraping of the land and the erection of fencing.

On the same day, a site visit was undertaken on behalf of the LPA by South Yorkshire Police (SYP). The owner was present on site, stating he had bought the land six months previously and intended to build a bungalow. The police explained that he was in breach of the COVID-19 guidance and was also informed that he required planning permission for any development works. At this stage, the police requested that he terminated construction work, to reduce the need for unnecessary journeys (COVID-19) and until communication had taken place with the LPA.

Revisits to the site by both SYP and the Planning Enforcement Team identified that works had continued on site, despite the warning. It was considered that the land was being prepared for the siting of mobile homes for imminent occupation. As a result a request was made to the High Court in London and an injunction was granted and served on the land on 10.04.2020 (Good Friday – Bank Holiday).

Following the issue of the Injunction, all works have ceased and the owner is seeking advice from the LPA to develop the site in accordance with Planning Legislation.





## General Cases

The following are a few examples of cases currently under investigation by the Planning Enforcement Team.

### **Bella Wood View – Barnburgh.**



Requests were made for a stone wall to be built as part of a previously approved application 09/01209/FUL - Erection of 6 No. dwellings on approximately 0.23ha of land. The stone wall was not implemented and no application was submitted seeking to vary the conditions that formed part of the approval. A Breach of Condition Notice (BCN) was served on the developer by the LPA on the 14<sup>th</sup> January 2020 and a 56 day compliance period was applied to the notice, which left a compliance date of 9<sup>th</sup> March. Due to the current situation with COVID-19, it has not been possible/reasonable to progress, however this case will continue to be monitored and a decision to continue with enforcement action will be revisited in the future.

### **5 Lock Lane – Thorne.**





Following a lengthy period of unauthorised activity within the building, a planning application was submitted under 19/01169/FUL - Change of use of industrial building (Use Class B2) to mixed use including vehicle repair and body shop, with spray booth and office (retrospective).

The application was refused at planning committee on 9<sup>th</sup> January 2020, which allowed an Enforcement Notice to be served on the 14<sup>th</sup> January 2020. This required the applicants to:

- (i) Cease the use of the land for a vehicle repair and body shop with spray booth and office;
- (ii) Remove the spray booth in its entirety from the land; and
- (iii) Following compliance with step (ii) above, permanently remove the resultant materials from the land.

A compliance period of 1 month was given, which expired on the 15<sup>th</sup> March 2020.

Just as the country was going into lockdown (COVID-19) the offender informed the Planning Enforcement Team that they had vacated the building. This has yet to be verified, along with the other aspects of the enforcement notice, which required compliance. However, at this stage no further complaints have been made following the expiry of the notice.

#### **Catholic Club – Waterdale – Town Centre.**



Following non-compliance with conditions attached to the previously approved application 19/00642/FUL - Creation of enclosed car park to the rear of Catholic Club on the 2<sup>nd</sup> May 2019. The applicants failed to implement any drainage on the site and as a result, a Breach of Condition Notice was served on the 29<sup>th</sup> January 2020 with a compliance date of 28<sup>th</sup> February 2020.

Due to the current situation with COVID-19 the case has been placed on hold. However, further progress will be made following a site inspection to assess if the car park is in operational use and also if the conditions of the planning application have been met.

### **Alpha Rooms - 17 Scott Lane – Town Centre.**



Application 19/02238/FUL - The retrospective application for the installation of an ATM installed through a secure panel to the right hand side of the shop front. The application was part approved/part refused. The refused part of the application was the installation of roller shutters, which were deemed inappropriate in the conservation area. Requests to remove the roller shutters were not complied with and an Enforcement Notice was served on the 13<sup>th</sup> February 2020 with a compliance date of 31<sup>st</sup> May 2020.

The notice was not appealed and therefore came into effect on the 31<sup>st</sup> March 2020. A recent site inspection has revealed that the shutters have not been removed.

Consultation is underway with the LPA, regarding the compliance period during the COVID-19 situation.

### **Land Off Marshland Road - Moorends**



A case was registered on the 18<sup>th</sup> December 2019, following a complaint that the developer had failed to discharge pre-commencement conditions attached to the previously approved application 19/00880/FULM. Vehicles were entering the site from Marshland Road without approval from the Network Management Team, as well as via an access point located on Bloomhill Court. As a result, mud was being deposited onto the highway as HGV's and vans exited the site. Despite repeated requests for the developer to cease works on site until the required conditions had been discharged, the access continued to be used. A Temporary Stop Notice (TSN) was served on the site, on the 30<sup>th</sup> January 2020, hence all works ceased for a period of 28 days.

A further complaint was received on the 18<sup>th</sup> May 2020. During the period the site had been closed following the issue of the TSN, the required conditions had been discharged.

The developer was using an access to the site from Bloomhill Court, which had not been indicated in the Construction Method Statement (CMS) and had not been agreed by the Network Management Team. Due to the effect it would have on the residents of Bloomhill Court.

Requests to cease the use of the unauthorised access were ignored by the developer, and the continued inappropriate use of the access meant the only available option was to issue a Breach of Condition Notice (BCN), which was served on the site, on the 19<sup>th</sup> June 2020. The notice requires the developer to comply with the approved conditions within 28 days of issue, and required them to construct a safe and suitable access to

the site from Marshland Road. As a BCN does not have the right of appeal, any breaches that occur on site following the expiry of the 28<sup>th</sup> day will be subject to a prosecution in the local Magistrates Court.

### **UPVC Windows - Station Hotel, Station Road, Conisbrough**



A complaint was received that a fence had been erected at the Station Hotel around the UPVC windows company, adjacent to the highway. On the 10<sup>th</sup> December 2019 a letter was sent to the owner and tenant requesting that the fence be reduced to a maximum 1 metre in height. On the 31<sup>st</sup> January 2020, a further site visit identified that the fence was still in place. An Enforcement Notice was issued on the 19<sup>th</sup> February 2020, which came into effect on the 9<sup>th</sup> April 2020. The compliance period for carrying out the remedial works was the 7<sup>th</sup> May 2020.

Due to the current situation with COVID-19 the case has been placed on hold. However, further progress will be made following a site inspection to assess compliance with the Enforcement Notice. If the remedial works have not be completed, then prosecution may be the next course of action.

### **Coco Hand Carwash – Station Hotel - Station Road - Conisbrough.**



A complaint was received of an alleged unauthorised car washing business in the car park, of the former Station Hotel, which had resulted in the cutting back of a tree and the erection of a porta cabin/decking. On the 27<sup>th</sup> November 2019, a letter was sent to the owner(s) and the business operator requesting the submission of a change of use application and seek permission for the siting of the porta cabin/decking within 28 days. Due to non-compliance, an Enforcement Notice was issued on the 28<sup>th</sup> April 2020, which came into effect on the 9<sup>th</sup> June 2020. The compliance period for carrying out the remedial works was the 7<sup>th</sup> July 2020. A revisit will be undertaken in due course, if the remedial works have not be completed then prosecution may be the next course of action.

### **Land Adjacent to 58 Beckett Road -Wheatley**



The land behind 58 Beckett Road is currently operating as an open air tyre storage facility without planning permission. A Principal Planning Officer has deemed this unauthorised change of use to a tyre storage facility detrimental to visual amenity, causing harm to the character of the conservation area. There are also safety concerns due to the openness of the perimeter fencing and absence of a roof to the facility, therefore the tyres are susceptible to ignition from external sources posing a risk to the health of nearby residents, properties and the environment.

The alleged offender was asked to remedy the breach in one of two ways:

- Cease the use of the land as a tyre storage unit by removing all the tyres, or
- Attempt to acquire authorisation for the change of use to a tyre storage facility by submitting a planning application. It was advised that the offender improve their chances of receiving permission, by storing the tyres within a fully enclosed and secure building.

Instead it submitted a Certificate of Lawfulness application to establish that the land has been continuously operating as a tyre storage facility for over 10 years and is therefore immune from enforcement action. This application is currently in progress and awaiting a decision.

In the meantime an Enforcement Notice was served on the 25<sup>th</sup> May 2020 and an appeal has now been lodged against it with the Planning Inspectorate.

### **Dumpling Castle Cottage – Tickhill.**



A complaint has been received that four houses have been built without planning permission. An interrogation of the planning system cannot find any planning permission for the development. The owners believe that they received planning permission in 1998. A Council Tax search has identified that the properties have been registered as early as 2018.

Due to the current COVID-19 situation the case is currently on hold. However, further investigations will be undertaken in due course and any appropriate action will be taken (if required).

## Quarterly Enforcement Cases

<b>Quarter 4 (January - March 2020)</b>	
Received Enforcement Cases	127
Total Cases Pending	186
Closed Enforcement Cases	121

<b>Case Breakdown</b>	
Unlawful Advertisements	9
Breach of Conditions	22
Unauthorised Change of Use	25
Unauthorised Works to Listed Building	1
Unauthorised Operational Development	69
Unauthorised Works to Protected Trees	1

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	6
Armthorpe	4
Balby South	4
Bentley	7
Bessacarr	3
Conisbrough	5
Edenthorpe and Kirk Sandall	4
Edlington and Warmsworth	1
Finningley	15
Hatfield	5
Hexthorpe and Balby North	3
Mexborough	4

Norton and Askern	5
Roman Ridge	4
Rossington and Bawtry	2
Sprotbrough	10
Stainforth and Barnby Dun	3
Thorne and Moorends	12
Tickhill and Wadworth	10
Town	17
Wheatley Hills and Intake	3

<b>Formal Enforcement Action</b>	
Notices Issued	7
Prosecutions	1

### Quarterly Enforcement Cases

<b>Quarter 1 (April – June 2020)</b>	
Received Enforcement Cases	142
Total Cases Pending	281
Closed Enforcement Cases	51

<b>Case Breakdown</b>	
Unlawful Advertisements	5
Breach of Conditions	19
Unauthorised Change of Use	37
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	76
Unauthorised Works to Protected Trees	5

<b>Areas Where Breaches Take Place</b>
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Adwick and Carcroft	10
Armthorpe	4
Balby South	5
Bentley	4
Bessacarr	8
Conisbrough	6
Edenthorpe and Kirk Sandall	4
Edlington and Warmsworth	5
Finningley	11
Hatfield	7
Hexthorpe and Balby North	8
Mexborough	3
Norton and Askern	9
Roman Ridge	3
Rossington and Bawtry	8
Sprotbrough	1
Stainforth and Barnby Dun	5
Thorne and Moorends	11
Tickhill and Wadworth	6
Town	12
Wheatley Hills and Intake	2

<b>Formal Enforcement Action</b>	
Notices Issued	3
Prosecutions	0
Injunctions	1

Report Prepared By:  
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